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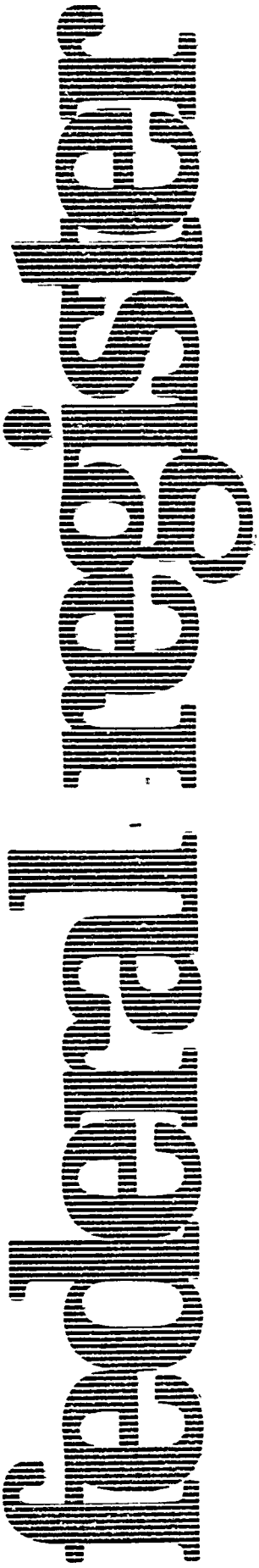

Wednesday
June 6, 1979

Highlights

Briefings on How to Use the Federal Register—For details on briefings in Washington, D.C., Boston, Mass., Los Angeles, and San Francisco, Calif., see announcement in the Reader Aids Section at the end of this issue.

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Highlights

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Federal Register
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MEETINGS ANNOUNCED IN THIS ISSUE

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
Vol. 44, No. 110
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Presidential Documents

Title 3—

The President

Proclamation 4664 of June 4, 1979

National P.O.W.-M.I.A. Recognition Day, 1979

By the President of the United States of America

A Proclamation

In each of America's past wars our prisoners of war have represented a special sacrifice. On them has fallen an added burden of loneliness, trauma, and hardship. Their burden becomes double when there is inhumane treatment by the enemy in violation of common human compassion, ethical standards, and international obligations.

The Congress has by Joint Resolution (Public Law 95–349) designated July 18, 1979, as "National P.O.W.-M.I.A. Recognition Day."

As we now enjoy the blessings of peace, it is appropriate that all Americans recognize the special debt owed those Americans held prisoner during wartime. It also is appropriate that we remember the unresolved casualties of war, our soldiers who are missing. The pain and bitterness of war endures for the families, relatives and friends of those whose fate is unknown. Our Nation will continue to seek answers to the questions that remain about their fate.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Wednesday, July 18, 1979, as National P.O.W.-M.I.A. Recognition Day, a day dedicated both to all former American prisoners of war as well as those still missing and to their families. I call on all Americans to join on this occasion in honoring those who made the special sacrifice of being captive in war, and their loved ones.

And I call on State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of June, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[FR Doc. 79-17714
Filed 6-4-79; 4:44 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 44, No. 110
Wednesday, June 6, 1979

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19 and 20

Control of Radiation Exposure to Transient Workers

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its standards for protection against radiation. The amendments require NRC licensees to control the total occupational radiation dose of individuals who work in NRC-licensed activities. Implementing changes require licensees: (a) to obtain from a prospective employee information on occupationally related doses received during a current calendar quarter from sources outside of the licensee's control if there is a chance that the employee may subsequently receive a dose in excess of 25% of the regulatory standards in the facility of the new employer; (b) to furnish prompt estimates of occupational dose, at the request of the individual, upon termination of work; and (c) to keep associated records. The amendments are intended to minimize the possibility of overexposure of (a) short-term workers, sometimes called "transient workers," and other individuals who may be employed by, or work in the restricted areas of, more than one licensee within a single calendar quarter and (b) individuals who may work for more than one licensee at a time (moonlighters).

EFFECTIVE DATE: August 20, 1979.

Note.—The NRC has submitted this rule to the Comptroller General for such reviews as may be appropriate under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting and record keeping requirements of this rule become effective, unless advised to the contrary, accordingly reflects inclusion of the 45 day period which that statute allows for such review (44 U.S.C. 3512(c)(2)).

FOR FURTHER INFORMATION CONTACT: Mr. Walter S. Cool, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301–443–5970).

SUPPLEMENTARY INFORMATION: On February 6, 1978, the NRC published in the Federal Register (43 FR 4865) a notice of proposed amendments to 10 CFR Parts 19 and 20 designed to minimize the possibility of overexposure of transient and moonlighting workers. By letter dated February 13, 1978, copies of the notice of proposed rule making were sent to all NRC specific licensees. The notice provided a period of sixty (60) days for public comment. Copies of a value/impact assessment of the proposed amendments prepared by the NRC staff were sent to individuals who requested further information.

After careful consideration of the comments on the notice of proposed amendments and the other factors involved, the Commission has adopted the amendments in effective form with the minor changes discussed below.

Forty-one comments were received in response to the notice. Of these, twenty-one stated agreement with the concept of controlling the total occupational dose to workers; eight stated opposition to the proposed amendments. Many of the commenters expressed concern about some aspect of the proposed amendments, or suggested improvements. Several offered suggested changes in sections of the regulations not directly involved in the proposed amendments.

A number of commenters did not appear to understand that the proposed amendments would apply only to situations in which a licensee permits an individual to receive up to 1.25 rems per calendar quarter without obtaining information on prior radiation exposure, as provided by § 20.101(a), 10 CFR Part 20. Some of the commenters erroneously interpreted the proposed amendments to require a licensee to obtain exposure histories from previous employers of all new workers, as is currently required by §§ 20.101(b) and 20.102, 10 CFR Part 20, before permitting an individual to receive up to 3 rems per quarter within the 5(N–18) dose averaging formula. The licensee may, of course, do so. However, it is the Commission's intent that the worker would provide the licensee-employer with the exposure data stated on an estimate provided at termination by a previous licensee. It is recognized that workers for various reasons may not have the estimates when reporting for work, and the amendments require a licensee to obtain only a signed statement from the worker, without verification with previous employers, of the exposure received by the individual during the current calendar quarter.

This provision avoids the concern expressed by one commenter that a licensee may be unable to obtain information on occupational dose received by an individual during prior work in operations not licensed by the NRC.

The Commission has not changed the degree of flexibility available to licensees in designating calendar quarters (§ 20.3(a)(4)), as recommended by some commenters. While it is recognized that some short-term workers may receive two exposures approaching 1.25 rems in a short period of time due to the difference in calendar quarters being used by two licensees, the NRC staff believes that the probability of this happening is acceptably small. The wording of § 19.13(e) and § 20.102(a) require both the licensee providing an estimate of dose at termination, and the individual providing a subsequent licensee-employer with a signed statement regarding prior dose, to specifically identify the calendar quarter involved. Further, there were reasons for providing the degree of flexibility in the designation of calendar quarters during previous rule making actions. They included the need to accommodate different monitoring periods being used (weekly, bi-weekly, monthly, quarterly) and the need to permit some spread of the work load of persons providing personnel monitoring services.

Other commenters stated that the amendments imply that a licensee can be required to furnish personnel monitoring to persons while not under the licensee's control, and that the licensee can be held responsible for occupational dose received at another licensee's facility. Licensees may choose

to provide monitoring equipment to their employees while they are assigned to work in another licensee's restricted areas, or while moonlighting, in order to verify the information on exposure provided through the worker by the second licensee. However, each licensee is only required (1) to provide monitoring to each individual in the licensee's restricted area under the circumstances specified in § 20.202, (2) to provide an estimate at termination, if requested, and (3) to account for previous exposure information, made available by the worker, in limiting further exposure to that worker.

The Commission considers it necessary for licensees to control the total occupational dose of workers and does not agree with a number of commenters who consider the implementing controls needlessly restrictive or unduly burdensome on licensees. The Commission has chosen this method and level of implementation after balancing factors including (1) the previous absence of requirement for any effort to determine prior exposure, (2) the need for prompt exposure information permitting control of exposure to transient workers, that is, the information must be available before the individual appears for work at another licensee's restricted area, (3) high cost and technical difficulties associated with alternative methods of controlling total occupational dose, (4) potential concern regarding employability or invasion of privacy, and (5) the likelihood that, in the absence of specification of implementing action that is acceptable to the NRC, many licensees would expend greater effort than may be deemed necessary by the Commission. The proposed amendment to § 20.102(a) would require a licensee to obtain only a statement of prior exposure during the current calendar quarter from any new worker who is likely to receive, in the licensee's restricted area(s), more than 25% of the applicable standards in §§ 20.101(a) and 20.104(a), 10 CFR Part 20, during the balance of the quarter.[1] The Commission believes that a majority of licensees do not experience doses to their workers greater than 25 percent of the standards and, therefore, will not be required to obtain the statement. The proposed new § 19.13(e) would require provision to a worker who requests it, of an estimate (not the finally determined monitoring result) of the dose received during the terminating calendar quarter. The Commission believes that only a small fraction of terminating workers will request the estimate, greatly limiting the potential cost of implementation by licensees.

Note that although the amended regulations require control of the total occupational dose received by workers, the statistical summary report of personnel monitoring data to be filed annually pursuant to § 20.407, and the reports of exposure to radiation and radioactive material to be filed upon termination of employment with specified licensees or completion of a work assignment in the licensee's facility pursuant to § 20.408, should include only that dose received during the specified period of time and while engaged in operations authorized by that license. These reports should not include personnel monitoring data obtained from previous employers of an individual or any estimates of prior dose, in order to avoid duplicate reporting of individual doses.

A number of commenters pointed out that proposed § 19.13(e) was vague as to the time at which the estimate is to be provided to the terminating worker. The wording in § 19.13(e) has been changed to specify that the estimate is to be provided at termination.

Other commenters asked what assumptions a licensee-employer is to make when informed that an individual has received a dose reasonably estimated to be less than 25% of the applicable standards. The licensee would have been permitted to ignore such doses. Further consideration of the small difference in effort required for a licensee to provide a numerical estimate of dose or to provide only a statement that the dose was reasonably estimated to be less than 25% of the applicable standard, has led the Commission to require provision of a numerical estimate.

In the event that an individual informs a licensee-employer about radiation dose received during prior employment during the current calendar quarter, but is unable to provide an estimate of that dose, there are several alternatives available to the licensee. The licensee may: (1) decide not to hire the individual for work involving further exposure because of the unknown dose; (2) hire the individual for work involving only low levels of exposure, less than the criteria under which personnel monitoring equipment is required to be provided, during the remainder of the calendar quarter; or (3) take the effort to obtain the exposure history of the individual from the previous employer. The licensee is not required to obtain additional statements for each individual during subsequent calendar quarters of continued employment, as one commenter assumed.

Questions were raised regarding the reporting of overexposures. In the event that a licensee permits an individual to be exposed such that the total occupational dose, including any personnel monitoring data or estimates of dose provided to the licensee, exceeds the dose-limiting standards, that licensee must report the overexposure to the NRC pursuant to § 20.405, and to the individual pursuant to § 19.13(d), and will be subject to appropriate enforcement action. In the event that the licensee limits exposure of an individual on the basis of the best information available, but finds after the fact, that the finally determined dose of the individual was higher than previously known or estimated and, therefore, the individual exceeded the dose-limiting standards, the NRC and the individual shall be informed, as noted above, but no enforcement action will be taken against the licensee.

One commenter suggested that an exemption be provided to the requirements of §§ 19.13(e) and 20.102(a), as proposed, for non-licensed persons who maintain dosimetry which provides cumulative dose to their employees. The Commission commends such persons for their concern and provision for the protection of their employees. However, the rule was never intended to apply to other than licensees and there is no need for any exemption for non-licensees.

Several commenters noted that there was no indication of the accuracy required for the estimate of dose at termination. This reqirement was omitted deliberately, knowing that some licensees have the capability of providing final determination of personnel monitoring results on short notice while other licensees may have to rely on other mechanisms for estimating dose, such as pocket dosimeter readings or estimating the dose from radiation survey data and associated occupancy time. It is the Commission's intent that licensees should provide the worker with the best exposure information available at the time of termination. This information should be the final determination, if practicable. If pocket dosimeter readings or other means of

[1] One commenter questioned the basis for selecting 25 percent of the applicable standards in §§ 20.101(a) and 20.104(a) as the threshold for requiring licensees to obtain statements of current calendar quarter doses. That value was selected rather arbitrarily but recognizes (1) that, although most licensees provide personnel monitoring to evaluate any potential exposure, such monitoring is not required for exposure below 25 percent of the standard § 20.202, and (2) that there have been very few instances in which an individual terminated employment or work assignment with more than four licensees in a single calendar quarter.

estimation are used the licensee should apply any correction factors or conservatisms that the licensee has found appropriate to relate the data to finally determined monitoring results. It is the Commission's further intent that a subsequent employer-licensee use this best information, as provided by the worker, and maintain further exposure of the worker as low as is reasonably achievable within the 1.25 rems per calendar quarter standard, including the estimated prior dose. If the finally determined monitoring result for the individual is received during the period of employment of the individual, that result should replace the estimated value. The licensee is required (pursuant to §§ 20.405 and 19.13(d)) to notify the Commission and the individual of an exposure, including the estimate, found to be in excess of the standard, because such an occurrence would indicate a failure by that licensee to control contribution to the individual's dose. By the same token, a licensee will not be found in non-compliance with the regulations if the licensee controlled exposure of the individual within the standards, using the estimate (best information available to the licensee at the time), even though the dose is subsequently found to exceed the standard upon receipt of a finally determined monitoring result.

Several commenters noted that the amendments may limit the employability of a worker whose dose has approached or exceeded the standard. Licensees could not allow an individual who has received a dose approaching the standard to be further exposed during the remainder of the calendar quarter in which the exposure occurred, but may allow the individual to receive further exposure, within the dose-limiting standards, in subsequent calendar quarters. The potential for such career interference exists under the present regulations and could be increased by the amendments. The Commission has no basis for estimating the existing or potential increase in impact, but believes it to be small. Many transient workers are highly skilled individuals who are needed to perform certain specialized tasks, often under contracts with a number of licensees. Because of their skills, such workers are very unlikely to lose employment. Rather, they would likely be employed in tasks involving little or no additional radiation dose. Other transient workers are much less specialized and may be hired from local pools to accomplish essential work. These workers would, upon termination, be available for other requests for labor in their area, with low probability of employment with the same or another licensee.

It is recognized that the proposed method of controlling total occupational dose depends upon cooperation by the employee with the licensee in providing information on previous and on-going employment involving radiation dose. The NRC does not exercise direct regulatory control over individual workers, and therefore cannot require individual workers to provide accurate dose information to licensees, and the NRC will not take enforcement action against a licensee solely because an individual worker withholds or falsifies information. While recognizing the potential for economic incentive for a worker to withhold or otherwise falsify dose information, the Commission believes that most individuals who have been instructed in the health protection problems associated with exposure to radiation and radioactive materials pursuant to § 19.12, 10 CFR Part 19, will recognize the benefit to their health and will cooperate with licensees. Further, NRC does not regulate all of the sources of occupational dose. A suggested requirement for licensees to provide monitoring information to subsequent licensee-employers would not apply to operations not licensed by NRC and would, therefore, provide only partial information.

One commenter pointed out that the regulation should require another statement from a worker who is rehired following termination of employment or work assignment in a licensee's restricted area. The words "during each employment or work assignment" have been added to § 20.102(a) to accommodate that comment.

One commenter noted that the proposed amendments addressed transient and moonlighting workers but did not specifically recognize the potential for exposure of individuals who seek secondary employment while temporarily "laid off". The Commission believes that, if the worker has not been terminated, but has some status as an employee, the secondary work is comparable to moonlighting.

The NRC staff has been unable to devise acceptable regulatory methods for controlling the total occupational dose to moonlighters, and concludes that control may be best effected by agreements or conditions of employment between the licensee and the worker. Close cooperation between licensees and workers, including frequent exchange of monitoring information or agreement to limit exposures to fractions of the standards, will be necessary. The potential for labor-management controversy over such working agreements is recognized. The Commission believes that controversy can be minimized in the best interest of the workers and the licensees.

The Commission considered, as one alternative in the development of the proposed regulations, the imposition of short-term dose standards as suggested by one commenter. Short-term standards, such as 100 millirems of whole-body dose per week, or weekly prorated increments of quarterly standards, would have the desirable effects of (1) essentially precluding the possibility of overexposure of transient workers during multiple employments, (2) impacting on only those licensees employing short-term workers, and (3) encouraging increased efforts to reduce doses and dose rates by design and engineering changes. However, this alternative would require the use of larger numbers of workers to accomplish essential work at existing facilities. Because workers are exposed while entering and leaving a work area, and while orienting to the work to be done, as well as during actual performance of the work, the use of more workers would increase the collective (man-rem) dose. This alternative would be costly and unproductive for the licenses and would not assure that moonlighting workers do not receive doses in excess of the standards.

The procedural alternative of imposing controls on the total doses of transient and moonlighting workers by means of technical specifications or license conditions in the licenses of those activities experiencing the use of such workers, suggested by another commenter, was also rejected. The extent of use of short-term or moonlighting workers is not precisely known, and this alternative could result in arbitrary, non-uniform application of the added controls and the burden associated with them.

One commenter noted that the proposed amendments did not require action to control the total exposure of workers to intake of radioactive materials during multiple employments. Such control was considered but has not been proposed or effected at this time. The information available to the Commission, while not comprising the total experience of licensees, indicates that most licensees do not experience exposures exceeding 25% of the standards. Prior to amendment of § 20.103, 10 CFR Part 20, published November 29, 1976 (41 FR 52300), exposure to concentrations of radioactive material in air was limited

on the basis of 40 hours during any seven consecutive days. The existing regulation, while controlling the quarterly intake of radioactive materials, requires precautions which are considered to make additional control over exposure during multiple employments unnecessary at this time. Consideration is being given to further amendment to the regulations that would, if adopted, require the summation of risk from external dose equivalent and internal committed dose equivalent.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 19 and 20, are published as a document subject to codification.

1. A new paragraph (e) is added to § 19.13, 10 CFR Part 19, to read as follows:

§ 19.13 Notifications and reports to individuals.

* * * * *

(e) At the request of a worker who is terminating employment in a given calendar quarter with the licensee in work involving radiation dose, or of a worker who, while employed by another person, is terminating assignment to work involving radiation dose in the licensee's facility in that calendar quarter, each licensee shall provide to each such worker, or to the worker's designee, at termination, a written report regarding the radiation dose received by that worker from operations of the licensee during that specifically identified calendar quarter or fraction thereof, or provide a written estimate of that dose if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such.

2. Paragraph 20.1(b) of 10 CFR Part 20 is amended to read as follows:

§ 20.1 Purpose.

* * * * *

(b) The use of radioactive material or other sources of radiation not licensed by the Commission is not subject to the regulations in this part. However, it is the purpose of the regulations in this part to control the possession, use, and transfer of licensed material by any licensee in such a manner that the total dose to an individual (including exposures to licensed and unlicensed radioactive material and to other unlicensed sources of radiation, whether in the possession of the licensee or any other person, but not including exposures to radiation from natural background sources or medical diagnosis and therapy) does not exceed the standards of radiation protection prescribed in the regulations in this part.

* * * * *

3. In § 20.3(a), 10 CFR Part 20, a new paragraph (19) is added to read as follows:

§ 20.3 Definitions.

(a) As used in this part:

* * * * *

(19) "Termination" means the end of employment with the licensee or, in the case of individuals not employed by the licensee, the end of a work assignment in the licensee's restricted areas in a given calendar quarter, without expectation or specific scheduling of reentry into the licensee's restricted areas during the remainder of that calendar quarter.

4. The section heading, prefatory language of paragraph (a), prefatory language of paragraph (b), and paragraph (b)(1) in § 20.101, 10 CFR Part 20, are amended to read as follows:

§ 20.101 Radiation dose standards for individuals in restricted areas.

(a) In accordance with the provisions of § 20.102(a), and except as provided in paragraph (b) of this section, no licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from radioactive material and other sources of radiation a total occupational dose in excess of the standards specified in the following table:

* * * * *

(b) A licensee may permit an individual in a restricted area to receive a total occupational dose to the whole body greater than that permitted under paragraph (a) of this section, provided:

(1) During any calendar quarter the total occupational dose to the whole body shall not exceed 3 rems; and

* * * * *

5. Section 20.102, 10 CFR Part 20, is amended to delete existing paragraph (a), to add a new paragraph (a), and to amend paragraph (b), to read as follows:

§ 20.102 Determination of prior dose.

(a) Each licensee shall require any individual, prior to first entry of the individual into the licensee's restricted area during each employment or work assignment under such circumstances that the individual will receive or is likely to receive in any period of one calendar quarter an occupational dose in excess of 25 percent of the applicable standards specified in § 20.101(a) and § 20.104(a), to disclose in a written, signed statement, either (1) that the individual had no prior occupational dose during the current calendar quarter, or (2) the nature and amount of any occupational dose which the individual may have received during that specifically identified current calendar quarter from sources of radiation possessed or controlled by other persons. Each licensee shall maintain records of such statements until the Commission authorizes their disposition.

(b) Before permitting, pursuant to § 20.101(b), any individual in a restricted area to receive an occupational radiation dose in excess of the standards specified in § 20.101(a), each licensee shall:

* * * * *

Effective date. These amendments become effective on August 20, 1979.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. Law 93-430, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C. this 30th day of May 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-17340 Filed 6-5-79; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Reg. Q, Docket No. R-0227]

Interest on Deposits; Pooling of Funds To Obtain Higher Interest Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final interpretation.

SUMMARY: This interpretation provides that under Regulation Q member banks may accept funds pooled by depositors but may not solicit pooled funds through advertisement, announcement or other notice where the purpose of such pooling is to pay higher rates of interest on deposits.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3623), or Paul S. Pilecki, Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: 12 CFR Part 217 is amended by adding a new § 217.155 to read as follows:

§ 217.155 Pooling of funds to obtain higher interest rates.

(a) The Board of Governors has reviewed its previous rulings concerning acceptance of pooled funds by member banks. Under these rulings, the Board had expressed the view that a member bank that paid a higher rate on a deposit that it knew or had reason to know resulted from funds aggregated (pooled) principally for the purpose of obtaining a higher rate of interest would be acting contrary to the spirit of Regulation Q. This interpretation replaces these prior Board rulings that had been issued in the form of letter opinions in 1968 and 1970.

(b) The Board has determined that member banks accepting and paying higher rates of interest on pooled deposits from depositors who themselves have pooled their funds whether or not the bank knows or has reason to know that such funds have been pooled would not be violating Regulation Q. However, member banks are not permitted to solicit, advise or encourage depositors to pool funds for the purpose of paying higher interest rates. In addition, member banks are not permitted to solicit deposits from customers on the basis that the funds will be pooled by the bank for the purpose of paying higher interest rates. The Board believes that participation by member banks in encouraging or establishing pooling arrangements constitutes a device to avoid interest rate limitations. The Board further believes that adopting this new policy will facilitate the administration of Regulation Q interest rate ceilings.

(c) The Board would regard any advertisement, announcement or solicitation by a member bank indicating that it will accept pooled funds or that funds can be pooled to obtain higher rates as a violation of Regulation Q. For example, printed and broadcast advertisements stating that depositors can achieve higher interest rates by pooling their funds with others and depositing them in the bank would be inappropriate. In addition, in responding to inquiries from depositors concerning available deposit instruments and rates, member banks are not permitted to suggest the practice of pooling as a means of meeting minimum denomination requirements. Similarly, any advertisement, announcement or solicitation, written or oral, by a member bank discussing a policy, practice, program, or procedure for accepting pooled deposits would not be permitted. If, for example, two depositors come into a member bank on their own with checks of $5,000 each seeking to purchase jointly one $10,000 minimum denomination money market time deposit, the bank is permitted to accept such funds in the form of a money market time deposit and to pay the ceiling rate on such deposits. However, a member bank could not arrange to introduce, directly or indirectly, separate depositors that are seeking to pool their funds.

(d) This interpretation is not intended to affect other well-established practices which involve pooling of funds such as money market mutual funds, trust department aggregation of temporarily idle balances of *bona fide* fiduciary accounts, or combination of funds held in escrow by a person acting in a fiduciary or custodial capacity. In addition, member banks are expected to report interest earned by depositors on pooled funds in accordance with the regulations of the Internal Revenue Service.

The Board has issued this interpretation based upon its statuory authority under section 19 of the Federal Reserve Act, 12 U.S.C. 461, 371a and 371b.

By order of the Board of Governors of the Federal Reserve System, May 30, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-17439 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 302

Statement of Policy Regarding Development and Review of FDIC Rules and Regulations; Correction

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Correction.

SUMMARY: In FR Doc. 79-16414 appearing at page 31007 in the Federal Register of Wednesday, May 30, 1979, a word was inadvertently omitted from the policy statement. The omission is corrected by inserting the word "staff" between the words "FDIC" and "will" in the ninth line from the bottom of the page in the first column on page 31009.

DATE: This correction is effective retroactively to the effective date of the policy statement.

FOR FURTHER INFORMATION CONTACT: Alan J. Kaplan, Senior Attorney, FDIC, (202) 389-4433.

Dated: June 1, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-17515 Filed 6-5-79; 8:45 am]

BILLING CODE 6714-01-M

12 CFR Part 329

Withdrawal Penalties and Interest Rates

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: On April 3, 1979, FDIC's Board of Directors (Board) proposed amendments to FDIC's regulations as follows: (1) Creation of a new category of nonnegotiable time deposit with a fixed maturity of 5 years in a minimum amount of $500, the interest rate to be one and one-quarter percent (one percent for mutual savings banks) below the average 5-year rate based on the yield curve for Treasury securities; (2) an amendment which would provide for a lump sum interest bonus on the minimum balance held in individual or certain nonprofit organization savings accounts over a 1-year period; (3) adjustment of all minimum denomination requirements from $1,000 to $500 for deposits of under $100,000 under the interest regulations, except for the $10,000 minimum required for variable rate "money market" time deposits; and (4) a $500 minimum amount nonnegotiable "rising rate" 8-year time deposit whose rate increases the longer funds remain on deposit. Under these proposals, the penalty for withdrawal prior to maturity would have been adjusted on the proposed 5-year and rising rate instrument categories. After considering comments on the above proposals, the Board, after consulting with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, has decided to (1) adopt the first proposal in modified form; (2) increase the maximum permissible rate of interest on savings deposit funds from five percent to five and one-quarter percent (five and one-half percent for mutual savings banks); (3) eliminate all minimum denomination requirements except for the $10,000 minimum on money market time deposits and the $100,000 minimum on negotiated rate time deposits; and (4) substantially revise the withdrawal

penalty to lessen its impact, particularly on longer term deposits.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Senior Attorney, or Douglas H. Jones, Attorney, Bank Regulation Section, Legal Division (202–389–4324 or 202–389–4433), Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: On April 3, 1979, the Board proposed regulations amending Part 329 of FDIC's regulations for public comment. (44 FR 21290.) The proposals were designed to deal with the problem of relatively low return to small savers under existing depository institution interest rate structures.

The first proposal was for a new category of nonnegotiable time deposit in a minimum amount of $500 with a fixed maturity of 5 years (no more, no less). The ceiling on this deposit category would, in the case of commercial banks, be one hundred twenty-five basis points (one and one-quarter percent) below the average 5-year rate based on the yield curve for Treasury securities as determined by the United States Treasury. In the case of thrift institutions, including insured nonmember mutual savings banks, the ceiling would be one hundred basis points below this rate (one percent). Thus, the one-quarter percent thrift/commercial differential would remain in place as to this proposed new deposit category.

The second proposed change in FDIC's regulations was for a lump sum interest bonus on the minimum balance held in an individual's savings account over a specified period of time. The proposal provided for a bonus of one-half percent on the minimum balance held over a period of one year. Eligibility for the bonus deposit would be restricted to individuals and charitable and nonprofit and educational entities. Modification of existing accounts would be permitted, but the bonus would be prospective only.

The third proposed amendment was for adjustment of all minimum denomination requirements contained in Part 329 applicable to deposits of under $100,000, except for the $10,000 minimum required for variable rate time deposits keyed to the auction discount rate on Treasury bills. Under the proposal, the adjustment would lower the present minimum denomination requirement from $1,000 to $500.

The fourth proposed amendment was for the establishment of a new $500 minimum "rising rate" category of nonnegotiable time deposit, whereby the rate paid on the deposit would increase in proportion to the time the funds remained on deposit. For example, funds on deposit for one year or less would earn six percent interest (six and one-quarter percent in a mutual savings bank). Funds on deposit for over one year to and including 2½ years would earn six and one-half percent in a commercial bank and six and three-quarter percent in a mutual savings bank; funds on deposit for over 2½ years, to and including 4 years would earn seven percent and seven and one-quarter percent interest respectively; funds on deposit for over 4 years, to and including 5 years would earn seven and one-half and seven and three-quarter percent respectively, and funds on deposit for over 5 years to 8 years would earn eight and eight and one-quarter percent respectively. There would be no restrictions on eligibility for the new instrument.

By the close of the comment period on May 4, 1979, FDIC had received a total of 791 responses to its request for comment on the proposals; of these, 688 were from banks. The banks commenting were generally opposed to the proposals. Usually, the opposition centered around one or more of the following four reasons:

(1) The proposals would be too costly, both administratively and in terms of interest rates.

(2) The proposals would be too confusing, both to banks and customers.

(3) The proposals embody too many technical problems.

(4) Consumers would ultimately gain no benefit because they would ultimately absorb the increased costs.

The trend of trade association comments (10), individual comments (65), and savings and loan comments (28) was similar.

The principal proponent of the proposals was the Gray Panthers, a senior citizens group. The Gray Panthers felt that the proposals were a step in the right direction, but did not go far enough.

They urged the ultimate elimination of Regulation Q and Part 329. On the specific proposals, the Gray Panthers criticized the 5-year maturity on the proposed variable rate instrument as being too long for elderly people, and urged reduction of all minimum amounts, except for those on money market time deposits, to $250 instead of $500 as proposed. They recommended a $5,000 minimum on the money market certificate of deposit in lieu of the present $10,000 minimum. They supported the "rising rate" proposals, but with higher rate ceilings. They supported the bonus account modified to provide for a semiannual payment of one-half of one percent on deposits held for six months rather than an annual payment of one-half of one percent on deposits held for one year as proposed.

After consideration of the comments received on the proposals, FDIC has decided to take the following actions:

(1) Increase the rate of simple interest payable on ordinary savings deposits from five percent to five and one-quarter percent (five and one-half percent in mutual savings banks). This is in lieu of the proposed bonus savings deposit. However, the maximum rate on NOW accounts will remain at five percent. The maximum rate on savings deposits subject to preauthorized transfer agreements of the type contemplated under § 329.5(c)(2) of FDIC's regulations (12 CFR 329.5(c)(2)) will be five and one-quarter percent for both commercial and mutual savings banks. Rate parity on such deposits is required by statute. (Section 1602 of Pub. L. 95–630.)

(2) Adopted the proposed 5-year, $500 minimum amount variable rate time deposit in modified form with a 4-year or more maturity, and no minimum amount, though banks are free to establish minimum amount requirements on their own initiative.

The new 4-year instrument may be issued on or after the first day of every month. The ceiling rate on the deposit will be established monthly for new deposits received during the month at one and one-quarter percent (one percent in the case of mutual savings banks) below the average 4-year yield for United States Treasury securities as determined by the United States Department of the Treasury. Beginning the first day of every month, a bank will be permitted to pay interest at the applicable rate described above. This ceiling rate will remain in effect for all instruments issued during the month until the first day of the next month when a new ceiling rate will go into effect for instruments issued on or after that date. The ceiling rate of interest established at the time of issue will not change during the period the deposit is outstanding. Banks are permitted to compound and compute interest on these obligations in any manner consistent with § 329.3 of FDIC's regulations (12 CFR 329.3). The average 4-year yield will be announced three business days prior to the effective date (the first day of the month) and will represent an average of the 4-year yields for the previous five business days. As explained more fully below, the minimum penalty required to be imposed upon the withdrawal of funds

from this category of time deposit is a forfeiture of six months' interest at the rate being paid on the deposit. The new instrument is in addition to existing deposit instruments with maturities of 4 years and longer.

(3) Eliminate the minimum amount requirements on deposits of under $100,000, except for the $10,000 minimum required for money market time deposits. This is in lieu of the proposed reduction of minimum amounts to $500.

(4) Modify the penalty for premature withdrawal of time deposits to provide for a six months' forfeiture of interest on time deposits with original maturities of more than twelve months and a three months' forfeiture on funds with original maturities of twelve months or less. The modified penalty will apply to all time deposits entered into or renewed on and after July 1, 1979. It is a minimum penalty only, and banks are free to establish more severe penalties.

The proposals contained modified withdrawal penalties for the 5-year and rising rate instruments (six months for the 5-year instrument and three months during the first year on the rising rate instrument). The trend of comments favored an overall, rather than a restricted penalty modification, in the interest of consistency and to avoid confusion. Under the new penalty, no reduction to the savings rate will be required. Thus, the penalty impact will be lessened, especially on longer term deposits nearing maturity.

The remaining amendments are minor technical amendments.

After coordination with the Board of Governors of the Federal Reserve System and with the Federal Home Loan Bank Board, and under the authority contained in Sections 9 and 18 of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828), 12 CFR 329.4, 329.6, and 329.7 are amended as follows:

1. Section 329.4(d) is revised by deleting paragraph (d) and substituting a new paragraph (d) in its place. The text of footnote 11b also is revised. Section 329.4(d) as revised reads as follows:

§ 329.4 Payment of time deposits before maturity.

* * * * *

*(d) *Penalty on payment of time deposits before maturity.* In the event of payment before maturity of all or any portion of a time deposit issued under the provisions of this part, where such deposit was entered into or renewed on or after July 1, 1979, the depositor shall forfeit all interest at the rate being paid on the deposit, on the amount withdrawn earned from the date of deposit or for six months, whichever is less, if the original maturity of the account in which the funds to be withdrawn are on deposit is more than twelve months (one year). Where the original maturity of the account in which the funds to be withdrawn are on deposit is twelve months (one year) or less, the minimum penalty shall be a forfeiture of three months' interest at the rate being paid on the deposit on the amount withdrawn or interest since the date of deposit, whichever is less. Where necessary to comply with this requirement, interest already paid to or for the account of the depositor shall be deducted from the amount requested by the depositor to be withdrawn. All contracts not subject to the provisions of this paragraph shall be subject to the restrictions of § 329.4(d) in effect prior to July 1, 1979.[11b] The prohibitions contained in this paragraph (d) need not be applied to the withdrawal of all or part of a time deposit under any of the following circumstances: (1) On the death of any owner of time deposit funds. An "owner" of time deposit funds is any individual who at the time of his or her death has full legal and beneficial title to all or a portion of such funds, or at the time of his or her death has beneficial title to all or a portion of such funds and full power of disposition and alienation with respect thereto, including but not limited to a power of revocation with respect to any trust of which the funds comprise all or part of the assets, whether or not such owner is acting as trustee; (2) where the time deposit consists of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. 408 or to a Keogh (H.R. 10) plan established pursuant to 26 U.S.C. 401 and the individual for whose benefit the account is maintained is 59½ years of age or older or has become disabled within the meaning of 26 U.S.C. 72(m)(7); or (3) where the funds constituting the time deposit consist of funds transferred to a new or resulting insured nonmember bank as the result of the merger of insured banks,[11b-1] but only to the extent that the funds sought to be withdrawn were insured prior to the merger and have become uninsured as a result thereof, and provided that notice of withdrawal is given the new or resulting bank not later than twelve months after consummation of the merger.

* * * * *

2. Section 329.6 is amended by revising §§ 329.6(b) (1) and (2), adding a new subparagraph (6) to paragraph (b), revising § 29.6(c), deleting the text of Footnote 13a and redesignating the footnote Reserved, all as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than mutual savings banks.[13]

* * * * *

(b) *Deposits of less than $100,000.* (1) Except as provided in paragraphs (b) (2), (3), (4), (5), and (6) of this section, no insured nonmember bank shall pay interest on any time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

* * * * *

(2) *Deposits with maturities of four years or more.* Except as provided in § 329.6(b)(6), no insured nonmember bank shall pay interest on any time deposit with a maturity of four years or more at a rate in excess of the applicable rate under the following schedule:

* * * * *

(4) * * * [12b] * * *

* * * * *

(6) *Variable rate time deposits with maturities of four years or more.* A nonmember bank may pay interest on any nonnegotiable time deposit with a maturity of 4 years or more that is issued on or after the first day of every month at a rate not to exceed one and one-quarter percent below the average 4-year yield for United States Treasury securities as determined and announced by the United States Department of the Treasury three business days prior to the first day of such month. The average 4-year yield will be rounded by the United States Department of the Treasury to the nearest five basis points. A bank may offer this category of deposit to all depositors.

* * * * *

(c) *Savings deposits.* No insured nonmember bank shall pay interest at a rate in excess of five and one-quarter percent per annum on any savings deposit, except that no insured nonmember bank shall pay interest at a rate in excess of five percent on any savings deposit that is subject to withdrawal by negotiable or transferrable instruments for the

[11b] The restrictions of § 329.4(d) in effect prior to July 1, 1979, provided that where a time deposit, or any portion thereof, was paid before maturity, a bank may pay interest on the amount withdrawn at a rate not to exceed that prescribed for a savings deposit and the depositor was to forfeit 3 months of interest payable at the savings deposit rate. If the amount withdrawn had remained on deposit for 3 months or less, all interest was to be forfeited.

[11b-1] * * *

[13] * * *

[12b] [Reserved]

[13] * * *

purpose of making transfers to third parties.

3. Section 329.7 is amended by revising §§ 329.7(b)(1)(i), 329.7(b) (3) and (4), adding a new subparagraph (10), deleting the text of footnote 14b, and redesignating the footnote reserved, all as follows:

§ 329.7 Maximum rates of interest payable on deposits of insured nonmember mutual savings banks.[14]

* * * * *

(b) *Maximun rates payable.*—(1) *General.* (i) Except as provided in paragraphs (b) (2), (3), (4), (5), (6), (8), and (10), and paragraph (e) of this section, no insured nonmember mutual savings bank shall pay interest or dividends at a rate in excess of five and one-half percent per annum on any deposit.* * *

(ii) * * * [14a] * * *

* * * * *

(3) *Time deposits of less than $100,000.* Except as provided in paragraphs (b) (1), (5), (6), (8), and (10) of this section, no insured nonmember mutual savings bank shall pay interest or dividends on any time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

* * * * *

(4) *Time deposits with maturities of four years or more.*[14b] Except as provided in § 329.7(b)(10), no insured nonmember mutual savings bank shall pay interest or dividends on any time deposit with a maturity of four years or more at a rate in excess of the applicable rate under the following schedule:

* * * * *

(6) * * * [14c] * * *

* * * * *

(9) No insured nonmember mutual savings bank may pay interest at a rate in excess of five and one-quarter percent per annum on any savings deposit which is subject to a preauthorized transfer agreement whereby the bank has been authorized by the depositor in writing to automatically transfer funds from the savings deposit to the bank itself or to a checking or other account of the same depositor in connection with checks or drafts drawn by the depositor upon the bank, or for any other purpose not prohibited by law or regulation.

(10) *Variable rate time deposits with maturities of four years or more.* A nonmember mutual savings bank may pay interest on any nonnegotiable time deposit with a maturity of 4 years or more that is issued on or after the first day of every month at a rate not to exceed one percent below the average 4-year yield for United States Treasury securities as determined and announced by the United States Department of the Treasury three business days prior to the first day of such month. The average 4-year rate based on the yield curve will be rounded by the United States Department of the Treasury to the nearest five basis points. A nonmember mutual savings bank may offer this category of deposit to all depositors.

* * * * *

By order of the Board of Directors.

Dated: May 30, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-17595 Filed 6-5-79; 8:45 am]

BILLING CODE 6714-01-M

[14] * * *

[14a] * * *

[14b] [Reserved]

[14c] * * *

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12 CFR Part 329

Interest on Deposits; Interpretation of Section 329.3(a)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Interpretation of existing regulation.

SUMMARY: The following interpretation of FDIC's regulations states the position of FDIC's Board of Directors with respect to pooling of funds to achieve minimum denomination requirements.

EFFECTIVE DATE: June 6, 1979.

FOR FURTHER INFORMATION, CONTACT: F. Douglas Birdzell, Senior Attorney, or Douglas H. Jones, Attorney, Bank Regulation Section, Legal Division (202–389–4324 or 202–389–4433), Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: *Section 329.102—Interest on Time and Savings Deposits.* The Board of Directors of the Federal Deposit Insurance Corporation (Board) has adopted the following position concerning pooling of funds to achieve minimum denomination requirements for certain categories of deposits.

(a) For a number of years, the Federal financial supervisory agencies have been concerned that the practice of pooling (usually to reach the $100,000 minimum required for negotiated rate time deposits) may constitute a circumvention of the intent of the respective agencies' interest rate regulations.

FDIC's position, which until now has been expressed primarily by staff interpretation, is that pooling by individuals to achieve the minimum denomination requirements for certain categories of deposit is not a violation of the regulations where the bank merely accepts the pooled funds and does not actively participate in pooling itself.

However, where a bank solicits funds for pooling or where it actually pools the funds itself, the staff has taken the position, confirmed herein by the Board of Directors, that such arrangements violate the provisions of § 329.3(a) of FDIC's regulations (12 CFR 329.3(a)). That section of the regulations provides that no bank shall directly or indirectly pay interest on time deposits in excess of the rates prescribed under FDIC's regulations.

(b) Hence, the Board has determined that banks accepting and paying higher rates of interest on pooled deposits from depositors who themselves have pooled their funds whether or not the bank knows or has reason to know that such funds have been pooled would not be violating Part 329. However, banks are not permitted to solicit, advise or encourage the pooling of funds for the purpose of paying higher interest rates. In addition, banks are not permitted to solicit deposits from customers on the basis that the funds will be pooled by the bank for the purpose of paying higher interest rates. The Board believes that active or inactive participation in encouraging or establishing pooling arrangements constitutes a device to avoid interest rate limitations. The Board further believes that adopting this new policy will facilitate the administration of Part 329 interest rate ceilings.

(c) The Board will regard any advertisement, announcement or solicitation by a bank indicating that it will accept pooled funds or that funds can be pooled to obtain higher rates as a violation of Part 329. For example, printed and broadcast advertisements stating that depositors can achieve higher interest rates by pooling their funds with others and depositing them in the bank would be inappropriate. In addition, in responding to inquiries from depositors concerning available deposit instruments and rates, banks are not permitted to suggest the practice of pooling as a means of meeting minimum denomination requirements. Similarly, any advertisement, announcement or solicitation, written or oral, by a bank discussing a policy, practice, program, or

procedure for accepting pooled deposits will not be permitted.

(d) This interpretation is not intended to affect other well-established practices which involve pooling of funds such as money market mutual funds, trust department aggregation of temporarily idle balances of *bona fide* fiduciary accounts, or combination of funds held in escrow by a person acting in a fiduciary or custodial capacity.

The Board has issued this interpretation based upon its statutory authority under sections 9 and 18 of the Federal Deposit Insurance Act.

(12 U.S.C. 1819 and 1828).

By order of the Board of Directors.

Dated: May 30, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary

[FR Doc. 79-17659 Filed 6-5-79; 8:45 am]

BILLING CODE 6714-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration

ACTION: Final Rule.

SUMMARY: This rule provides an exception to the provisions of 12 CFR 701.21-2 (Amortization and payment of loans to members), which require monthly payments for lines of credit established for members of Federal credit unions. The exception will permit payments on lines of credit at intervals greater than 1 month where appropriate to coincide with the borrower's receipt of income.

EFFECTIVE DATE: July 1, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, N.W., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Layne L. Bumgardner, Office of Examination and Insurance at the above address. Telephone (202) 254-8760.

SUPPLEMENTARY INFORMATION: On January 30, 1979, the Administration published a proposed rule (44 FR 5900) to provide an exception to 12 CFR 701.21-2 which requires monthly payments for lines of credit established for members of Federal credit unions. Additional amendments proposed in conjunction with the above change included a requirement to document the interval at which the borrower receives his/her income for all loans and lines of credit and a requirement for documentation of a borrower's creditworthiness in the credit union's loan files. Public comment was invited to be received by February 24, 1979. Upon review of these comments and after reconsideration of the proposed rule by the Administration, the following changes have been made.

Analysis of Changes

1. *Documentation of the Interval of Receipt of Income*

Three commenters questioned the need to mandate documentation (for all loans and lines of credit) of the interval at which the borrower receives income given the amendment's intended application to only lines of credit with payment intervals occurring less frequently than monthly. The Administration concurs with the rationale of this point and has changed the provisions of § 701.21-1(e) so that the interval of the borrower's income need only be documented when the application is for a line of credit *on which payments are to be made at intervals greater than one month.*

2. *Lines of Credit to Member Credit Unions*

The wording "Corporate Central" has been deleted from the proposed § 701.21-2(b)(2)(iv) to clarify the fact that any *Federal credit union* (not just a Corporate Central) may extend a line of credit to one of *its member credit unions* with up to annual payment terms. While Corporate Central Federal credit unions are the primary group of credit unions having members which are other credit unions, there are central Federal credit unions also having members which are other credit unions. The Administration does not find it necessary to limit the line of credit terms for these central Federal credit unions by the requirements pertaining to natural person or other organizations which may be members of a Federal credit union.

3. *Documentation of Creditworthiness*

Two commenters questioned the clarity of the Administration's proposal to require *evidence* of each borrower's creditworthiness in the loan file. Therefore, the wording of § 701.21-1(e) has been modified to clarify that the loan file must contain a loan or line of credit application which provides evidence of the credit committee's or loan officer's consideration of the factors identified in paragraph (d) of § 701.21-1. In proposing the amendment, the Administration intended to assure that a loan application was on file which reflected the borrower's financial condition and supported the approving official's decision to extend credit to the applicant.

Lawrence Connell,

Administrator.

May 31, 1979.

Authority: Section 120, 73 Stat. 635 (12 U.S.C. 1766) and Section 209, 84 Stat. 1104 (12 U.S.C. 1789).

Accordingly, 12 CFR 701 is amended as follows:

1. Reword Section 701.21-1(e) to read as follows:

§ 701.21-1 Lending policies: Loans and lines of credit to members.

* * * * *

(e) The loan files of a Federal credit union shall contain:

(1) A loan or line of credit application which documents that the credit committee or loan officer has considered for each borrower the factors specified in paragraph (d) of this section;

(2) evidence of the financial responsibility of any endorser;

(3) the value of any security provided by a borrower; and,

(4) the interval at which the borrower receives funds which are intended to be relied upon for repayment of a line of credit, if payments for such line of credit will be made at intervals greater than one month.

§ 701.21-2 [Amended]

2. Delete the wording "other than a member credit union" in the second sentence of Section 701.21-2(a).

3. Add the following subparagraphs after the end of Section 701.21-2(b)(2)(ii):

§ 701.21-2 Amortization and payment of loans to members.

* * * * *

(b) * * *

(2) * * *

(iii) A line of credit may provide for required payments at intervals of greater than 1 month, but not greater than 12 months, where appropriate to coincide with the member/borrower's receipt of income.

(iv) A line of credit extended by a Federal credit union to its member credit union may provide for required payments at intervals of not greater than 12 months.

4. Delete the word "monthly" and the wording "(or annual payments in the case of a line of credit extended by a Corporate Central Federal credit union to its member credit unions)" in § 701.21-3(b)(2).

[FR Doc. 79-17535 Filed 6-5-79; 8:45 am]

BILLING CODE 7535-01-M

12 CFR Part 701

Final Rule—Borrowed Funds From Natural Persons

AGENCY: National Credit Union Administration.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is to establish disclosure requirements and set the maximum maturity and rate of return for borrowings by credit unions from natural persons. The rule requires that such borrowings be limited to credit union members and that the debt instrument and any advertisement thereof must clearly and conspicuously state that the funds obtained represent money borrowed by the credit union and are not insured by the National Credit Union Share Insurance Fund (NCUSIF). In borrowing from members, credit unions may issue promissory notes with maturities, denominations and rates consistent with those prescribed for share certificate accounts (12 CFR 701.35(c)(1) and 701.35(g)).

EFFECTIVE DATE: July 5, 1979, except for § 701.38(a)(1), which is effective August 1, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Either Mike Fischer, Chief Accountant, Office of Examination and Insurance, or James L. Skiles, Deputy General Counsel, at the above address. Telephone 202–254–8760 (Mr. Fischer) or 202–632–4870 (Mr. Skiles).

SUPPLEMENTARY INFORMATION: On December 12, 1978, the National Credit Union Administration (Administration) published a proposed rule (43 FR 58096) to limit credit union borrowings from natural persons. Public comment was invited to be received on or before February 23, 1979. All comments received during the comment period and all comments received subsequent to the comment period have been considered in arriving at the final rule. Upon review of these comments and after a thorough reconsideration of the proposed rule by the Administration, various changes, as set forth below, have been made.

Analysis of Changes and Comments

1. Virtually all of the commenters agreed with the disclosure requirements regarding the uninsured status and terms and conditions relating to the borrowing of funds from natural persons. Several changes in language were suggested for this section to be more consistent with the Uniform Commercial Code, and the following changes were made:

a. In section (a)(2) the words "promissory note" and "prepayment" were substituted for the words "written agreement" and "early redemption," respectively.

b. In Section (a)(3) the words "promissory note" were substituted for the words "written agreement" and in (a)(3) (i) and (ii) the word "note" was substituted for the word "instrument."

The use of the words "Promissory Note" to identify the instrument evidencing borrowings from natural persons is required for all borrowings negotiated after the effective date of this regulation. Terms such as "Certificate of Indebtedness," "Certificate of Investment" and the like to refer to such borrowings are not permitted. In order to minimize the cost burden of this change, credit unions may use existing supplies of such forms for a period of 6 months or until the credit union's supply is exhausted, whichever is less, provided other requirements are satisfied.

2. Several commenters questioned the Administration's authority to regulate the area of borrowing from natural persons, pointing out that Section 107(9) of the Federal Credit Union Act (Act) permits Federal credit unions (FCU) to borrow from any source.

The Administration interprets the borrowing authority contained in Section 107(9) as being subject to the rulemaking authority of the Administration. In light of that authority and in consideration of the overall intent of the Act, the Administration has concluded that the action taken in this regulation is well within its discretion. First, under the Act, FCU's are organized as cooperative ventures designed to provide services to their membership. By statute, the membership of an FCU has been limited to an identifiable group. Second, funds obtained by the use of certificates of indebtedness (CI) represent, for all practical purposes, savings of individuals. Third, under the provisions of the Act, FCU's are only authorized to accept savings of members, with certain exceptions, subject to the limitations prescribed by the Administration, such limitations including the authority to establish dividend rates. Fourth, the utilization of CI's to attract savings from nonmembers is contrary to the Act's purpose of providing cooperative ownership status for members and providing savings security through the NCUSIF. Fifth, the use of CI's negates the authority of the Administration to regulate dividend rates by allowing FCU's to pay interest rates in excess of dividend rates under the guise of a borrowing activity.

The Administration has, therefore, retained the requirement that borrowings from natural persons can only be from members.

3. A number of commenters stated that by limiting CI's to a 7¾% rate, CI's have been made ineffective in acquiring funds in today's money market.

It is true that at the 7¾% rate, the CI's would not be competitive with the 26 week money market certificates for funds in blocks of $10,000 or more. Credit unions can, however, structure their programs with different maturities and smaller denominations to make the permissible rate attractive. In addition, this Regulation has been revised to make the maximum rates conform with the revised share certificate regulation. Section 701.38(a)(4) has been changed to permit FCU's to pay rates equivalent to those permitted for share certificates.

Maturities shall not be less than 90 days nor more than 6 years, except promissory notes for public unit funds may be issued with maturities of not less than 30 days nor more than 6 years. Corporate central Federal credit unions may issue promissory notes with maturities of not less than 30 days nor more than 6 years.

An FCU may pay a rate of return on borrowings from members, expressed as an annual rate, as follows:

(a) In the case of a promissory note of $10,000 or more having a maturity of 26 weeks, the maximum rate, which shall *not* be compounded during the term of the note and may be rounded off only by rounding down, shall be:

(i) One quarter of one percent above the discount rate (auction average on a discount basis) for 26 week United States Treasury bills issued on or immediately prior to the date of issue of the promissory note if such discount rate is less than 8¾%; or

(ii) 9% if such discount rate is not less than 8¾% and not more than 9%; or

(iii) equal to the discount rate if such discount rate exceeds 9%.

(b) On promissory notes of $100,000 or more at a rate determined by money market conditions; or

(c) On all other promissory notes at a rate not to exceed the greater of 7¾% or 100 basis points (1%) below the average 4-year yield for United States Treasury securities, as determined and announced by the United States Department of Treasury three business days prior to the first day of each month, during the month of issuance of the account.

4. A number of commenters indicated that by limiting the maximum rate of

return and the maximum maturities of CI's to the same as those for share certificates, members would no longer find CI's desirable or acceptable.

One of the intended results of this regulation is to channel member funds into shares rather than into CI's. To facilitate this transformation the Administration has revised the share certificate regulation to make these equity accounts more flexible. Credit unions should be able, under the revised share certificate regulation, to fashion a variety of share and share certificate accounts to meet member needs.

5. Many commenters expressed the belief that the restrictions on CI's would cause credit unions to have to borrow from other financial institutions at rates higher than borrowing from individuals.

The Administration is not unmindful of the fact that borrowing from other financial institutions is generally more costly than is borrowing from individuals. This is one of the primary reasons that the Administration reexamined and revised the share certificate regulation. The flexibility provided by the revised share certificate regulation should permit Federal credit unions to acquire needed funds from members through prudently structured share and share certificate accounts rather than through CI's. The need for institutional borrowing should not increase to any significant degree.

6. Several commenters indicated that share certificate programs were more complex and more costly to administer than are CI programs. Credit Unions indicated that the penalty computation for premature withdrawals was particularly involved and required changes in data processing software for implementation. For these reasons these credit unions continued to rely on CI's rather than institute share certificate programs.

In response to these comments the Administration has revised the penalty provision of the share certificate regulation to require a simple forfeiture of dividends for 90 or 180 days dependent upon the qualifying period of the share account or share certificate account involved. As previously indicated, the share certificate regulation has been revised to provide greater flexibility. A credit union should be able to structure share and share certificate accounts, in this more permissive environment, which would require minimal if any changes in data processing software from that required for CI's.

7. Some commenters indicated that the abrupt limitation on the use of CI's could cause short term adverse effects on those credit unions who have increasingly relied upon CI's.

It is for this precise reason that the issuance of a final regulation on borrowing from natural persons has been delayed until compensating changes could be made in the share certificate regulation. The Administration believes that the revised share certificate authority is sufficiently broad to permit credit unions with existing CI programs to implement comparable share certificate programs. Additionally, the effective date of § 701.38(a)(1) has been delayed until August 1, 1979, to provide credit unions with an additional period of time in which to develop their share certificate programs.

It should also be noted that outstanding CI's which do not conform with the requirements of this regulation need not be immediately redeemed. Such outstanding CI's can remain outstanding until maturity, however, any renewals, reissues, or new issues must conform with the requirements of this regulation.

It is the Administration's understanding that some instruments outstanding do not specify a maturity but are redeemable periodically at the option of the credit union or the holder. Where such instruments are used and are presently outstanding, they shall be redeemed no later than August 1, 1980.

8. A few commenters requested that the Administration hold public hearings on the proposed regulation. The Administrative Procedures Act requires the Administration to give the public an opportunity to submit written views on a proposed regulation "* * * with or without opportunity for oral presentation." 5 U.S.C. Section 553(c). This decision is left to the discretion of the agency. The Administration has indicated that it would hold public hearings on a proposed regulation if the comments received do not provide sufficient information or do not adequately represent significantly varying public interests (See: NCUA's Final Report "In Response to Exectuvie Order 12044: Improving Government Regulations," 44 FR 17954).

This proposed regulation was issued on December 12, 1978, with a public comment period officially open to February 23, 1979. The Administration continued to accept written comments received after that date. This extended public comment period, we believe, has provided a reasonable opportunity for interested persons to submit written comments. In fact, over 70 comment letters were received from sources of varying interest. These numerous comments have provided sufficient information for the Administration to consider in its review of the proposed regulation. As previously stated, the effective date has been delayed to provide an additional period of time for FCU's to develop their share certificate programs in order to comply with the limitations prescribed by this rule. The effective date of § 701.38(a)(1) is also being delayed to provide interested parties further opportunity to provide additional comments. Therefore, the Administration has decided not to hold public hearings on the proposed regulation.

Lawrence Connell,

Administrator.

May 31, 1979.

(Sec. 107(9), 91 Stat. 49 (12 U.S.C. 1757), sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

Accordingly, 12 CFR Part 701 is amended by adding a new section as set forth below:

§ 701.38 Borrowed funds from natural persons.

(a) Federal credit unions may borrow from a natural person: *Provided:*

(1) The individual is a member of the credit union;

(2) The borrowing is evidenced by a signed promissory note which sets forth the terms and conditions regarding maturity, prepayment, interest rate, method of computation, and method of payment;

(3) The promissory note and any advertisement for such funds contains conspicuous language indicating that:

(i) The note represents money borrowed by the credit union;

(ii) The note does not represent shares and, therefore, is *not* insured by the National Credit Union Share Insurance Fund; and

(4) The maturities, rates and denominations are consistent with those prescribed for share certificates in §§ 701.35(c)(1) and 701.35(g).

[FR Doc. 79-17435 Filed 6-5-79; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Parts 303, 304, 307, 311

Organizational Structure of Economic Development Districts

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Interim rule.

SUMMARY: This interim rule revises the requirements regarding the type of organization required for areas to receive designation as economic development districts and to receive assistance under the Economic Development Administration's grant and loan programs. Currently, these requirements fail to specify adequately either the nature of the functions which the organization must perform or the manner in which the organization must provide for representation of the various interests in the district. The intended effect of this interim rule is to inform the public of the manner in which the Agency is revising its regulations concerning district organizations in order to provide for a waiver, in certain specified situations, of the basic organizational structures requirement thereby to allow districts greater flexibility in meeting organizational waivered requirements.

These rules are published as interim rules because of certain exigencies related to making new district fundings. However, review and comment procedures of Executive Order 12044 will be followed.

DATES: Effective: June 6, 1979. Comments by: August 6, 1979.

ADDRESSES: Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Victor A. Hausner, Deputy Assistant Secretary for Policy and Planning, U.S. Department of Commerce, Room 6807, Washington, D.C. 20230, (202) 377–3121.

SUPPLEMENTARY INFORMATION:

Background

At several times during 1977, 1978, and 1979, through meetings and correspondence with interested parties, the Economic Development Administration (EDA) set forth general ideas of proposed changes in regulations dealing with the organization of economic development districts (EDDs) and the composition of the boards of directors of such districts. Through these meetings and correspondence, EDA announced that it was considering revising its existing regulations to allow a more flexible organizational structure so that organizations such as 100%-elected-officials councils of governments established under other Federal programs could be eligible for EDA district program assistance.

EDA has now determined that it will continue its current requirements for district organization and board composition for existing economic development districts and for most other regional organizations which want to become EDDs. However, EDA proposes to waive, under certain circumstances, its requirements for district board composition to permit use of one of a specified variety of organizational options designed to meet the substance of the requirements some other way. EDA will grant waivers to potential economic development districts only where they are precluded by State law or city or county charters from compliance with existing requirements or where, in other circumstances, compliance would create a special hardship. Only in rare cases would EDA allow such waivers for existing districts.

The underlying idea of these organizational options is that EDA and the COG would be able to find a mutually acceptable means of assuring that the various economic and social interests of the district are represented in the district organization.

Under the waiver options EDA would agree to the use of some special organizational unit, different from the whole of the COG membership, which is established to meet EDA requirements for representation, program responsibilities and staffing for economic development activities. While permitting some organizational flexibility for meeting representational requirements, EDA will retain existing requirements for the numbers and selection of minority representation.

In order to allow EDA time to deliberate these changes, EDA postponed from January 1, 1978, to October 1, 1979, the deadline (13 CFR 303.4(a)(2)) for meeting the requirement that one-third of the board be "private citizens".

As noted earlier, discussions of this topic have been going on for some time, with active review by EDA of the regulations starting early 1977. Unfunded districts and their public interest group organizations have been waiting for EDA to settle this eligibility issue, and to proceed to fund additional districts from its expanded fiscal year 1979 appropriation for the district program.

There are a number of unfunded authorized districts which are composed mainly or completely of elected officials from general purpose local governments. Some of these authorized districts are among the top priority districts for new funding by EDA in fiscal year 1979 and they would like to be considered for a waiver (as provided in § 303.4(c)(2) of these interim regulations) of the EDA requirement for direct representation of business, low income and minority interests on the district board of directors. These districts feel that it would be unfair for EDA to require them, under current regulations, to reorganize at this time, and then, soon thereafter, to give other similar organizations an opportunity to maintain their current organizations through the waiver provision.

The Senate Appropriations Committee Report on the fiscal year 1979 appropriation indicates that "the Committee expects the EDA to promptly modify the existing regulations to make eligible these types of regional agencies for participation in the program." Allocations by EDA for new district fundings are being made in April 1979. In order for EDA both to comply with the Senate Committee expectations and to process the new district grants before the end of fiscal year 1979, it is necessary that these interim regulations take effect June 6, 1979.

Revisions in This Document

The interim revisions set forth in this document affect the internal makeup of EDDs in the following manner:

1. EDA makes a technical revision to 13 CFR 303.2 by adding a new paragraph (f) which provides that EDA will designate districts only after a district organization has been established which meets the requirements of 13 CFR 303.4. This change describes current policy and is made to clarify § 303.2 with respect to that policy.

2. EDA revises 13 CFR 303.4(b) by clarifying the legal status of the district organization.

3. EDA revises 13 CFR 303.4(c) to allow waivers, in limited circumstances, for districts to have greater flexibility in establishing structures to meet EDA's requirements imposed on districts.

4. EDA revises § 303.4(d) by clarifying how the district organization must provide for representation of the various interests in the district and by reducing the private citizens representation from one-third to one-fifth.

5. EDA revises § 303.4 further by adding a new paragraph (f). This paragraph requires EDDs to provide the public with an opportunity to participate in district affairs.

6. EDA revises current § 303.4(e) concerning the functions of districts and renumbers it as a new § 303.4a. As revised, § 303.4a specifies the functions of the district organization in greater detail. Because some districts may establish an "EDA component" under

§ 303.4(c), there is a possibility that the responsibilities set forth in paragraphs (b) and (c) of § 303.4a will be divided. In such cases, § 303.4a(d) requires that certain of the responsibilities must be lodged solely in the EDA component.

7. EDA revises 13 CFR 303.7 to allow EDA greater flexibility with respect to EDDs in which certain counties have withdrawn from the district. Currently, § 303.7(a)(1) requires EDA to de-designate districts which can no longer demonstrate that at least three-fourths of the counties support the district activities. If the remaining counties in the EDD could have been designated initially without the support of the counties which have withdrawn, then § 303.7(a)(1) allows the EDD to retain its designation status.

8. EDA revises 13 CFR 304.3 to delete its reference to economic development districts. All organizational requirements relating to EDDs are now found in 13 CFR Part 303.

9. EDA revises 13 CFR 307.25 so that this paragraph conforms to the change made to § 303.7 above.

10. EDA revises 13 CFR 311 (as amended April 6, 1979, see 44 FR 20634–35) so that this Part conforms to the changes made to § 303.4(c).

Accordingly, Parts 303, 304, 307 and 311 of Chapter III of Title 13 of the Code of Federal Regulations are amended as follows:

PART 303—ECONOMIC DEVELOPMENT DISTRICTS

1. 13 CFR 303.2(f) is revised and 13 CFR 303.2(g) is added to read as follows:

§ 303.2 Designation of economic development districts.

* * * * *

(f) Where a district organization has been established which meets the requirements of § 303.4.

(g) Where the proposed district organization requests such designation.

2. 13 CFR 303.4 is revised to read as follows:

§ 303.4 District organization.

(a) The district organization is a prerequisite to initial and continued designation of an economic development district ("EDD"). In addition, it is prerequisite to the provision of planning grants.

(b) *Legal status.* Districts shall organize in one of the following ways:

(1) As nonprofit organizations incorporated under the laws of the States in which they are located;

(2) As public organizations through intergovernmental agreements for the joint exercise of local government powers; or

(3) As public organizations established under State enabling legislation for the creation of multijurisdictional, areawide planning organizations.

(c) *Organizational structure*—(1) *Basic Organizational Requirements.* Each district organization must meet EDA requirements concerning its membership composition as set forth in § 303.4(d), its authorities and responsibilities for carrying out economic development functions as set forth in § 303.4(a), and the maintenance of adequate staff support to perform its economic development functions as set forth in § 303.4(e) in one of the two ways cited below.

(i) In general, the foregoing requirements must be met by the board of directors (or other governing body of the organization) as a whole.

(ii) However, a waiver may be granted under provisions of § 303.4(c)(2) to permit a district organization to use one of a variety of organizational options (hereafter, the "EDA component") set forth in § 303.4(c)(4) to meet the basic organizational requirements.

(2) *Waivers to permit organizational options.* Under the following circumstances only, EDA will grant waivers to § 303.4(c)(1)(i) to permit district organizations to use an "EDA component" to meet EDA basic organizational requirements:

(i) Where the proposed organization is not currently designated as an economic development district or is not receiving a planning assistance grant under 13 CFR Part 307, Subpart B, and

(A) Where the proposed district organization is not able to meet some part of the representational requirements of § 303.4(d) because of requirements of an interstate compact, state law or constitutional provision or a homerule charter of a participating city or county, or

(B) Where the proposed district organization demonstrates that it would undergo special hardship if it is required to reorganize in order to comply with the requirements of § 303.4(c)(1)(i); or

(ii) Where the proposed district organization is an existing designated or funded economic development district which demonstrates to the satisfaction of the Assistant Secretary:

(A) That it would undergo a special hardship if it is required to maintain its district status through continued compliance with § 303.4(c)(1)(i), and

(B) That it has obtained concurrence in its proposal to reconstitute the district organization under § 303.4(c)(1)(ii) from the principal economic interests, minority interests, and local governments involved in the district.

(3) *Consideration of requests for waivers.* EDA will consider the following points (without excluding other possibilities) in determining whether to grant a waiver under the foregoing section.

(i) Where the waiver request is based on a legal constraint under § 303.4(c)(2)(i)(A), the following kinds of situations would be the basis for a waiver:

(A) Where the membership composition or the membership appointment procedures of the organization is legally specified such that it cannot meet EDA board membership requirements, or

(B) Where only local government elected officials are legally allowed to participate in the joint exercise of local government powers.

(ii) Where the waiver request is based on the demonstration of special hardship under § 303.4(c)(2) (i)(B) or (ii), the following factors would be considered:

(A) The record of the organization in delivering projects related to economic development to assist distressed populations of the area,

(B) The mechanisms proposed to provide for the involvement of the private sector and of distressed populations, including minority groups and local jurisdictions with high rates of distress, in the economic development planning process,

(C) The age and complexity of any interlocal agreement for the joint exercise of powers,

(D) The array of public policy issues assigned to the organization and the appropriateness for the various categories of representation required by EDA to participate in voting on the issues, and

(E) The risk of any breach of contract obligations if the organization were required to restructure its governing board in order to comply with EDA regulations.

(4) *Organizational options under waiver provisions.* Organizations which are granted a waiver of § 303.4(c)(1)(i) may employ one of the following types of organizational structure as their "EDA component" in accordance with § 303.4(c)(1)(ii), to meet EDA's basic organizational requirements:

(i) An augmented governing board whose membership meets EDA requirements;

(ii) A subcommittee of the governing board whose membership meets EDA's requirements;

(iii) A policy advisory committee to the governing board whose membership meets EDA requirements;

(iv) A bicameral decisionmaking organization in which dual policy bodies are created (consistent with § 309.17(b)), one of which meets EDA's requirements; and

(v) Other types of arrangements which are found by the Assistant Secretary to meet EDA's requirements.

(d) *Representation requirements.* The district organization shall demonstrate that either the district organization as a whole or its EDA component meets all of the following requirements.

(1) It is broadly representative of the following interests:

(i) The principal economic interests of the district, including business, industry, finance, transportation, utilities, the professions, labor, agriculture, and education. In meeting this requirement, the representatives of the principal economic interests may be private citizens, part-time elected officials, or minority representatives also selected under paragraph (d)(1)(ii) of this section.

(ii) Minority groups. Minority representatives shall be selected in accordance with *Civil Rights Guidelines* issued pursuant to 13 CFR Part 311, and may be private citizens, elected officials, or government employees.

(iii) The unemployed and underemployed.

(2) There is at least a simple majority of its membership who are elected officials of, or employees of, a general purpose unit of local government and who have been appointed to represent such government.

(i) Where appointment of local government members is not otherwise provided for by the district organization charter or by-laws, each county and major city which joins the district shall name an elected official or an employee to represent it.

(ii) Where appropriate to their non-governmental occupations, part-time elected officials may also represent the principal economic interests.

(3) There is at least one-fifth of its membership who are private citizens who are neither elected officials of, nor employees of, a general purpose unit of local government. All districts which have been authorized or designated prior to the effective date of this regulation must comply with this provision no later than one year from that effective date.

(i) The district organization shall demonstrate that persons fulfilling this requirement represent the interests of groups listed in paragraphs (d)(1)(i) or (d)(1)(iii) of this section. Minority representatives who meet these criteria may be counted toward the fulfillment of the private citizen requirement.

(ii) Except where these private citizens are also selected as minority representatives under paragraph (d)(1)(ii) of this section, these representatives shall be appointed by the governing bodies of the counties actively participating in the district organization or as otherwise provided in the district organizational charter and by-laws.

(e) *Staff support.* (1) The district organization or its EDA component established according to § 303.4(c) shall be assisted by a professional staff drawn from qualified persons in planning, economics, business administration, engineering, and related disciplines.

(2) EDA may provide planning grants to economic development districts to employ professional staff in accordance with Subpart B of Part 307 of this chapter.

(f) *Public participation.* Districts organizations shall provide access for persons who are not members of the district organization or its "EDA component" to make their views known concerning ongoing and proposed district activities in accord with the following requirements.

(1) At a minimum, the district organization shall conduct meetings open to the public once a year. It shall also publish the date and the agenda of meeting at least four weeks in advance to allow members of the public a reasonable time to prepare to participate effectively in the meetings.

(2) The district organization shall adopt a system of parliamentary procedures to assure that board members and other interested persons and groups have access to and an effective opportunity to participate in the affairs of the district.

(3) Where an "EDA component" is used, the district organization is required to hold appropriate public meetings and hearings when it considers significant economic development matters involving authorities, responsibilities, activities, or products of the EDA component.

(4) Information should be provided sufficiently in advance of public decisions to give citizens an adequate opportunity to review and react to proposals. District organizations should seek to relate technical data and other professional material to the affected citizens so that they may understand the impact of public programs, available options and alternative decisions.

§ 303.4a District organization functions and responsibilities.

(a) Economic development districts (EDDs) must arrange to carry out two classes of functions and responsibilities: Those which every EDD must carry out (paragraph (b) of this section), and those which EDDs receiving grants must carry out (paragraph (c)). Where the district organization uses a special body to meet EDA requirements, as provided for in § 303.4(c), the EDA component of the district organization shall be given authority to carry out certain parts of these two classes of functions and responsibilities (paragraph (d) of this section).

(b) *Functions and responsibilities common to all EDDs.* Subject to the requirements of § 303.4, EDDs are responsible for seeing that the following functions are provided for on a continuing basis.

(1) *Organizational actions,* including:

(i) Arranging the legal form of organization which will be used;

(ii) Arranging for the membership of the board of directors to meet § 303.4 requirements;

(iii) Recruiting staff to carry out the economic development functions;

(iv) Establishing a management system;

(v) Contracting for services to carry out district functions; and

(vi) Establishing and directing activities of economic development subcommittees.

(2) *Civil rights responsibilities* of 13 CFR Part 311 including:

(i) Arranging for the EDD board of directors and its executive committee to comply with EDA requirements for minority representation;

(ii) Submitting reports to EDA on the EDD's compliance with civil rights requirements; and

(iii) Preparing, taking action on and reporting on an affirmative action plan for the district.

(3) *Actions to develop and maintain the required OEDP* (initial OEDP, OEDP progress reports and revisions, mid-cycle adjustments, and supplements to the OEDP), including:

(i) Preparing the analytic, strategic and implementation components of the OEDP;

(ii) Identifying economic development centers and redevelopment centers and any later boundary modifications;

(iii) Adopting the OEDP by formal action of the EDD governing board;

(iv) Submitting the OEDP for reviews by appropriate governmental bodies and interested organized groups, and attaching dissenting opinions and comments received; and

(v) Obtaining EDA approval of the OEDP.

(4) *Preparation of proposals that EDA take actions* which:

(i) Establish or change the designation status of the district or its growth centers; or

(ii) Affect economic development projects available to the EDD.

(5) *Coordination and implementation* of economic development activities in the district, including:

(i) Entering into coordinative arrangements under OMB Circular A-95, as set forth at 13 CFR 309.17(b)(4);

(ii) Assisting other eligible units within the district to apply for grant assistance for economic development purposes;

(iii) Carrying out economic development related research, planning, implemetation and advisory functions as are necessary and helpful to the coordination with other local, State, Federal, and private organizations, and as are necessary and helpful to the development and implementation of the overall economic development program;

(iv) Coordinating the development and implementation of the OEDP with other local, State, Federal and private organizations (including minority organizations); and

(v) Carrying out the annual OEDP plan for implementation.

(c) *Grants management activities.* Economic development district organizations which seek and receive EDA grant assistance must carry out grants management activities, including:

(1) Preparing application materials and accepting EDA grant offers;

(2) Arranging for the contribution of the required non-Federal matching share of the grant project costs;

(3) Receiving and managing the proceeds of the grant from EDA and of the matching share contributions;

(4) Complying with grant terms and conditions, including those pertaining to financial management and to work program requirements;

(5) Incurring expenses in carrying out the purposes of the EDA grant and charging these project costs against grant project accounts; and

(6) Keeping records, and preparing and submitting reports on the grant project.

(d) *EDA component functions and responsibilities.* Where the EDD uses a special body to meet EDA requirements under § 303.4, the following functions and responsibilities (with the exception of subparagraph (4)(iii), which need not be exclusive to the EDA component) shall be lodged solely in the EDA component:

(1) *Organizational actions.* The EDA component shall:

(i) Adopt by-laws for the conduct of the functions and responsibilities assigned to the EDA component;

(ii) Establish and direct activities of economic development subcommittees;

(iii) Advise the district board of directors or the staff director, as appropriate, concerning the activities of the economic development staff which is established according to § 303.4(e)(1).

(2) *Civil Rights responsibilities.* The EDA component shall:

(i) Assure that the required minority representatives participate in the functions and responsibilities of the EDA component; and

(ii) Work to resolve matters of civil rights noncompliance discovered in EDA civil rights compliance review and assist in implementing the district organization's ongoing affirmative action plan required under § 311.4(b) of 13 CFR Part 311.

(3) *Overall economic development program (OEDP) activities.* The EDA component shall have responsibility for:

(i) Preparing the recommending adoption of the district original OEDP, and of annual OEDP Updates, including the recommendation therein of project implementation priorities;

(ii) Making comments to the district organization board of directors concerning any revisions of OEDPs and updates (as recommended under the preceding provisions) that are adopted by the board;

(iii) Informing the EDA when such revisions by the district organization board of directors constitute major departures from the recommendations of the EDA component and efforts to reinstate the substance of the recommended OEDP or updates have not been successful;

(iv) Submitting the OEDP and annual OEDP update for reviews by appropriate governmental bodies and significant organized interest groups, and the attaching thereto of dissenting opinions and comments received (in fulfillment of § 304.6); and

(v) Determining when, on the initiative of the district, to revise and resubmit the OEDP.

(4) *Coordination and implementation activities.* The EDA component unit shall:

(i) Enter into a planning-coordination memorandum of agreement with the A-95 areawide clearinghouse in accordance with § 309.17(b)(4), if the EDA component is organized under terms of § 303.4(c)(3)(iv);

(ii) Take actions required by EDA concerning grant or loan applications from other eligible applicants within the district which affect the district; and

(iii) Carry out economic development related research, planning, implementation and advisory functions as are necessary and helpful to the coordination with other local, State, Federal, and private organizations and to the development and implementation of the overall economic development program.

(5) *Application for and use of EDA grants.* The EDA component shall:

(i) Advise the district organization board of directors concerning the scope of work section of grant applications; and

(ii) Comply with EDA terms and conditions relating to work program requirements.

3. 13 CFR 303.7(a)(1) is revised to read as follows:

§ 303.7 Termination and suspension of district designation.

(a) * * *

(1) Where the district no longer meets the standards for designation as set forth in § 303.2, except that where the district no longer meets the standards set forth in § 303.2(e), the district designation status may be continued if those counties which would maintain their commitment to support economic development activities are determined by EDA to meet the other standards of § 303.2 and the standards of § 303.1.

PART 304—OVERALL ECONOMIC DEVELOPMENT PROGRAM

13 CFR 304.3 is revised to read as follows:

§ 304.3 Redevelopment area OEDP committee.

(a) The preparation of the Area OEDP and of the ongoing development program which it charts is the primary responsibility of the Area OEDP committee.

(1) Area OEDP committees are required only in those areas not located in districts. [District organization requirements are set forth at § 303.4 and § 303.4a of this chapter.]

(2) However, because of the crucial role of the OEDP committee, EDA recommends that all areas establish such an organization even though located within a district and using the district OEDP (as allowed under § 304.2).

(b) The Area OEDP committee shall be representative of the community so that all viewpoints are considered in discussion and decisionmaking and all available local skills are engaged in program formulation. Representation on

the committee shall include representatives of local government (county, city, and town), business, industry, finance, agriculture, the professions, organized labor, utilities, education, minorities, and the unemployed or underemployed. 13 CFR Part 311 of this chapter, as implemented by the *Civil Rights Guidelines*, contains the requirements for the specific representation of minority groups.

(c) If an existing development group meets the criteria as set forth in paragraph (b) of this section, that group may function as the Area OEDP committee.

PART 307—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

Subpart B—Planning Grants and Economic Growth Study Grants

13 CFR Part 307 is amended by revising § 307.25(b)(2) as follows:

§ 307.25 Terms and conditions.

* * * * *

(b) * * *

(2) Except as set forth in paragraph (b)(2)(i) of this section, no planning grants to economic development district organizations will be extended unless at least three-fourths of the counties within the district boundaries indicate, by resolution or other appropriate document, their commitment to support the activities of the district.

(i) Where a sufficient number of counties have withdrawn from the district to make compliance with this three-fourths requirement impossible or unreasonable, EDA may fund the continuing committed counties in the name of the original district organization if the Assistant Secretary determines that the remaining counties can meet the requirements for authorizing and designating EDDs, as set forth at § 303.1 and § 303.2 of this chapter.

PART 311—CIVIL RIGHTS REQUIREMENTS ON EDA ASSISTED PROJECTS

13 CFR 311.4 is revised to read as follows:

§ 311.4 Public planning organizations.

(a) Minorities must be represented on the governing boards, or the EDA components established under § 303.4(c) of 13 CFR Part 303, of public planning organizations receiving EDA assistance. Minorities must also be represented on any executive committees as may be established by such governing boards or EDA components. Specific numerical requirements are stated in the *Guidelines*. Planning organizations are required to provide minorities with the opportunity to select there own representatives.

(b) Each planning organization must develop a written Affirmative Action Plan for its employees.

(Sec. 701, Pub. L. 89–136, 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4 (September 30, 1975), as amended (40 FR 56702, as amended))

Dated: June 1, 1979.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 79–17594 Filed 6–5–79; 8:45 am]

BILLING CODE 3510–24–M

CIVIL AERONAUTICS BOARD

14 CFR Part 302

[Reg. PR–206; Amd. No. 57]

Rules of Practice in Board Proceedings; Filing Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., May 31, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB, in response to a petition for rulemaking, amends its procedural rules to (1) request that a telephone number be included on the initial document filed by any person, (2) exclude applicants for a scheduled service exemption involving a point outside of North America from the requirement that the application be served on commuter air carriers, and (3) allow the period for filing replies to answers to begin on the date when the answers are due rather than when each one is filed. At the same time, the CAB confirms its need for an original and 19 copies of documents.

DATES: Effective: June 6, 1979. Adopted: May 31, 1979.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The law firm of Hausman and Rosenthal petitioned the Board to amend 14 CFR Part 302, *Rules of Practice in Board Proceedings*. They asked that (1) the 20-copy filing requirement be reduced, (2) a telephone number be required on filings with the Board, (3) the requirement that scheduled-service exempting applications be served on commuter air carriers be eliminated, and (4) consolidate replies to answers to exemption applications be allowed.

Filing Requirements

Under § 302.3(c), documents filed with the Board must be accompanied by 19 copies. There have been several petitions in the past asking the Board to review this filing requirement. In 1977, in response to a petition by the Aviation Consumer Action Project and the Institute for Public Interest Representation, a Board-wide study was conducted, which concluded that the offices and bureaus within the Board really used the copies submitted. The Board has now looked at this filing requirement again, and concludes that all the copies are still needed.

The copies are needed because many offices and bureaus within the agency have to work simultaneously on filed materials. This need has increased in the past year, as progress toward deregulation has created greater pressure for swift action by staff components. The copies may not all be in continuous use but it is impossible to know in advance that a particular copy may not be needed by an office that usually receives it. If the multiple copies were not filed originally, the Board would have to make them. This would, because of the large number of filings at the Board, require an increase in clerical staffing.

It still seems fairer to have filing parties, rather than taxpayers, pay the cost of reproduction of filed materials. The Board will therefore continue to require parties to file an original and 19 copies of submitted documents unless otherwise specified.

Telephone Number on Initial Documents

Section 302.4(c) requires that the initial document filed in any proceeding provide the name and mailing address of the person who is to be served with any documents filed in that proceeding. Petitioners asked that the Board also require the inclusion of the telephone number of the person in charge of the matter. They indicated that many courts require this information and that inclusion of the telephone number would facilitate direct communications between parties.

The Board agrees that a telephone number of an attorney or other person handling the matter would generally be helpful. It considers that the absence of such a telephone number, however, should not be a cause for rejecting a filing. Board policy of encouraging broad

public participation in its proceedings opposes rejecting filings for minor formal omissions, and some persons may have legitimate reasons for not including a phone number. Therefore, the Board is amending Part 302 to request, but not require, that the telephone number of the person handling the matter be included in the initial document filed in any proceeding.

Service on Commuter Air Carriers

The petitioners objected to the requirement in § 302.403(b)(6) that exemption applications be served on any commuter air carrier operating passenger or cargo service between one of the points involved.

The Board agrees that this requirement is too broad. Commuter air carriers operate under the authority conferred on them by the Board in 14 CFR Part 298. Although this allows commuters to engage in foreign as well as domestic air transportation, the range limitations on commuter aircraft prevent them from operating outside of North America. They are therefore not affected by another carrier receiving exemption authority to serve a point outside of North America and there is no reason for them to be served with those exemption applications. We are amending § 302.403(b)(6) so that applicants for exemptions only have to serve them on commuter air carriers if both points covered by the application are in North America.

Consolidated Replies

There are two sections in Part 302 that allow an applicant or other interested person to file replies to answers to an application. They are § 302.407 (exemption proceedings) and § 302.1608 (section 412 contracts and agreements). Each of these sections prescribes a limited period for filing replies that begins on the day that any answer is filed. When there is a 7-day deadline on replying to answers, for example, an answer filed on day 1 would require a reply by day 8 while an answer filed on day 7 would not require a reply until day 14. Because some applications produce more than one answer and not all answers are filed on the same day, parties may be forced to file a series of replies, often making the same arguments in each.

It would make more sense for a consolidated reply to be filed to all answers, since many answers raise the same issues. It is inefficient for counsel to file and Board staff to read a reply to one answer and then repeat the same argument in the reply to another answer a few days later. Therefore, the Board is amending § 302.407 and § 302.1608 to permit a consolidated reply to be filed to all answers within the prescribed number of days after the end of the period for filing those answers.

The Rule

Since this is a rule of agency procedure and practice and relieves restrictions, the Board finds that notice and public procedure are unnecessary and that an immediate effective date is in the public interest.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 302, *Rules of Practice in Board Proceedings*, as follows:

1. In § 302.4, paragraph (c) is amended to read:

§ 302.4 General requirements as to documents.

* * * * *

(c) *Designation of person to receive service.* The initial document filed by a person shall state on its first page the name and post office address of the person or persons who may be served with any documents filed in the proceeding. It is requested, but not required, that the telephone number of that person also be included.

* * * * *

2. In § 302.403, paragraph (b)(6) is amended to read:

§ 302.403 Service of application.

* * * * *

(b) *Persons to be served.* * * *

(6) Any commuter air carrier that operates under Part 298 of this chapter or other exemption authority, provides at least five round-trips per week between two or more points, one of which is involved in the application, and publishes schedules in the "Official Airline Guide," or in the "Air Cargo Guide," that include service to the point involved in the application. EXCEPTION: Applications for exemption authority to serve a point outside North America need not be served on commuter air carriers.

* * * * *

3. Section 302.407 is amended to read:

§ 302.407 Reply.

Within 7 days after the last date for filing an answer under § 302.405, an applicant for exemption may file a reply to one or more answers.

4. Section 302.1608 is amended to read:

§ 302.1608 Answers and reply.

Within 21 days after filing of an application, any person may file an answer to that application. Within 14 days after the last date for filing an answer under this section, the applicant may file a reply to one or more answers. Service of answers and replies shall be made upon the person whose previous filing is the subject of the responsive filing and upon the other persons who were served with that previous filing. Service shall be effected according to § 302.8.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, [49 U.S.C. 1324])

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-17537 Filed 6-5-79; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-2967]

California Medical Association; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a San Francisco, Calif. medical association to cease publishing, promulgating, or participating in the development and use of relative value studies that set forth comparative numerical values and have the effect of establishing prices for medical and surgical services. The order further requires respondent to withdraw previously disseminated relative value studies; and send copies of the complaint and order to association members and others, together with a request for the return of all relative value studies they have in their possession.

DATES: Complaint and order issued April 17, 1979.*

FOR FURTHER INFORMATION CONTACT: William A. Arbitman, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102. (415) 556-1270.

SUPPLEMENTARY INFORMATION: On Tuesday, March 21, 1978, there was published in the Federal Register, 43 FR 11709, a proposed consent agreement with analysis In the Matter of California

*Copies of the Complaint and Decision and Order filed with the original document.

Medical Association, an unincorporated association, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the Complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart-Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.430 To enhance, maintain or unify prices; § 13.470 To restrain or monopolize trade. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–53 Recall of merchandise, advertising material, etc. Subpart-Maintaining Resale Prices: § 13.1155 Price schedules and announcements.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 79-17475 Filed 6-5-79; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6071; 34-15879; 35-21062; 39-527; IC-10710; IA-678; FOIA-58]

Government in the Sunshine Act; Amendment of Commission Rule Concerning the Taping and Photographing of Open Commission Meetings

AGENCY: Securities and Exchange Commission.

ACTION: Amendment of rule.

SUMMARY: The Commission is amending its rule regarding the taping and photographing of its open meetings so as to eliminate the current requirement that persons wanting to record an open Commission meeting must first obtain permission of the Commission's Secretary to do so, setting forth their interest in the matter and the reasons why they desire to record or photograph the meeting, to provide that persons wanting to record the open meeting should only notify the Secretary 48 hours in advance of the meeting.

DATE: Effective June 6, 1979.

FOR FURTHER INFORMATION CONTACT: Theodore S. Bloch, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, 202–3760–3561.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced an amendment to its rules under the Government in the Sunshine Act, pertaining to the public observation of Commission meetings. The Commission has amended 17 CFR 200.410(a), which sets forth the Commission's policy regarding the recording and photographing of open Commission meetings. Under the previous rule, an individual was required to request permission from the Commission's Secretary to record or photograph an open Commission meeting, setting forth his interest in the matter and the reasons why he desired to record or photograph the meeting. Under the amended rule, a person seeking to tape record the discussion of an open Commission meeting must merely notify the Commission's Secretary 48 hours in advance of the meeting. Because the photographing and videotaping of meetings invoices a greater potential for the disruption of meetings, the Commission is retaining the requirement that advance permission to photograph or videotape meetings be obtained from the Secretary.

Accordingly, § 200.410(a) of Subpart I, Part 200, Chapter II of Title 17 CFR is amended to read as follows:

§ 200.410 Miscellaneous.

(a) *Unauthorized activities; maintenance of decorum.* Nothing in this subpart shall authorize any member of the public to be heard at, or otherwise participate in, any Commission meeting, or to photograph or record by videotape or similar device any Commission meeting or portion thereof. The Commission may exclude any person from attendance at any meeting whenever necessary to preserve decorum, or where appropriate or necessary for health or safety reasons, or where necessary to terminate behavior unauthorized by this subsection. Any person desiring to sound-record an open Commission meeting shall notify the Commission's Secretary of his intention to do so at least 48 hours in advance of the meeting in question. Any person desiring to photograph or videotape the Commission's proceedings may apply to the Secretary for permission to do so at least 48 hours in advance of the meeting in question. The Commission's determination to permit photography or videotaping at any meeting is confined to its exclusive discretion, and will be granted only if such activities will not result in undue disruption of Commission proceedings.

The Commission finds that this amendment pertains only to procedural matters and eliminates certain restrictions in the present rule; it is therefore not subject to the provision of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, requiring advance notice and opportunity for comment. Accordingly, it is effective immediately.

By the Commission.

George A. Fitzsimmons,

Secretary

May 25, 1979.

[FR Doc. 79-17530 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 178

[T.D. ATF-58]

Commerce in Firearms and Ammunition

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Final rule (Treasury decision.)

SUMMARY: This document authorizes the Secretary of the Treasury or his delegate to require a permit for the importation or bringing into the United States of firearms or ammunition by certain representatives of foreign governments.

EFFECTIVE DATE: June 1, 1979.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, 202–566–7626.

SUPPLEMENTARY INFORMATION: This final rule is being issued because of the need to be aware of firearms and ammunition being brought into the United States by those exempt from importation requirments.

Drafting Information

The principal author of this document is James A. Hunt of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the

Bureau and from the Treasury Department participated in developing the document, both on matters of substance and style.

Authority

Because this Treasury decision relates to the foreign affairs function and security of the United States, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, under the authority contained in 18 U.S.C. 926, as amended (82 Stat. 1226), 27 CFR 178.115 is amended as follows:

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Section 178.115 is amended by adding a new paragraph (e) to read as follows:

§ 178.115 Exempt Importation.

* * * * *

(e) Notwithstanding the provisions of paragraph (d)(2), (3), (4) and (5) of this section, the Secretary of the Treasury or his delegate may in the interest of public safety and necessity require a permit for the importation or bringing into the United States of any firearms or ammunition.

Signed: June 1, 1979.

Stephen E. Higgins

Acting Director.

Approved: June 1, 1979.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 79-17532 Filed 6-1-79; 3:50 pm]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Their Personal Records; Exemptions

AGENCY: Department of Defense, Department of the Army.

ACTION: Amendment and deletion of exemption rules.

SUMMARY: The Department of the Army is amending 1 and deleting 4 exemption rules pertaining to systems of records under the Privacy Act of 1974.

DATES: Comments must be received on or before July 6, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Cyrus H. Fraker, 202-693-0973.

SUPPLEMENTARY INFORMATION: Exemption rules for the following systems of records are deleted since the systems of records for which the exemptions were approved have been deleted:

A0501.11DAMI, entitled: List of Hostile Intelligence Collectors of Unclassified Military Information (LHICUMI) (42 FR 51504)

A0501.13DAMI, entitled: Directory of Known or Suspect Hostile Intelligence Personalities (DOKSHIP) (42 FR 51505)

A0502.11USAREUR, entitled: File Search Microfilm Storage and Retrieval System (42 FR 51505)

A0721.12DAPE, entitled: Individual Correctional Treatment Files (42 FR 51512).

Exemption rule for system of records A0726.04aDAAG, entitled: Casualty Case Files is incorrect in the identification; it appears as A0726.24DAAG (42 FR 51512); it is amended herein to read A0726.04aDAAG to agree with the system of records for which it was approved.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

May 31, 1979.

[FR Doc. 79-17599 Filed 6-5-79; 8:45 am]

BILLING CODE 3710-08-M

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Their Personal Records

AGENCY: Department of the Army.

ACTION: Final rule.

SUMMARY: This rule withdraws from consideration under the Privacy Act an individual's request to amend criminal investigation records of the US Army Criminal Investigation Command contained in systems of records which have been exempted from the amendment provisions of the Act. Individuals may seek amendment of exempted investigatory records pertaining to them under procedures set forth in 32 CFR Part 633 (*see* 44 FR 28008 of May 14, 1979).

EFFECTIVE DATE: July 6, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Guy B. Oldaker, Administrative Management Directorate, The Adjutant General Center, Department of the Army, Washington, DC 20314; telephone: 202-693-0973.

SUPPLEMENTARY INFORMATION: On March 28, 1979, the Department of the Army published a proposed rule (44 FR 18527) which denies requesters amendment rights as well as agency appellate procedures and other remedial provisions of subsection (d) of the Privacy Act. Interested persons were invited to participate in the proposed rulemaking; however, no public comments were received. Accordingly, the proposed amendment is hereby adopted, as set forth below.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

May 31, 1979.

§ 505.2 Access to and amendment of an individual's records.

* * * * *

(h) Procedure for requesting amendment of records. Upon request an individual (or his authorized representative) may have a record pertaining to him amended by correction, addition, deletion or otherwise, regardless of whether it is part of a system of records, if such record is not accurate, relevant, timely, or complete. Such requests will be processed in accordance with this rule, irrespective of whether the Privacy Act is cited, except for those records specified in paragraph (h) (3) and (4) of this section.

(1) * * *

(2) * * *

(3) Requests for amendment in accordance with this rule may be sought only where the record is alleged to be inaccurate, irrelevant, untimely, or incomplete. Also, the rule does not permit the alteration of evidence presented in the course of judicial, quasi-judicial, or quasi-legislative proceedings. Requests for amendment of judgmental matters should be processed under applicable existing procedures (e.g., Army Regulation 623-105 for officer evaluation report appeals).

(4) US Army Criminal Investigation Command (USACIDC) reports of investigation are exempt from amendment provisions of the Privacy Act. Requests for amendment of criminal investigation reports that fall within the scope of 32 CFR Part 633 will not be considered under the provisions of 32 CFR Part 505. The action of the Commander, USACIDC will constitute final action on behalf of the Secretary of the Army with respect to 32 CFR Part 633.

(i) Processing of requests for amendment of records.

(1) The custodian of a record who initially receives a request for amendment pursuant to paragraph (h) of this section will:

(2)–(4) * * *

(5) The DA Privacy Review Board, on behalf of the Secretary of the Army, will complete action on any request for further review submitted to it within thirty days after receipt of the request by the AARA. The Board may seek further information from the individual in accordance with paragraph (i)(1)(ii) of this section. If it determines that amendment is proper, even if the system containing the record is exempt from the amendment requirements pursuant to § 505.7, the Board will take or cause to be taken the action specified in paragraph (i)(1)(iii) of this section. This does not apply to criminal investigation reports on which the Commander, US Army Criminal Investigation Command takes final action (see paragraph (h)(4) of this section). If the Board determines not to amend the records, it will take the action specified in paragraph (i)(3)(i) of this section, and inform the individual in writing—

* * * * *

[FR Doc. 79-17400 Filed 6-5-79; 8:45 am]
BILLING CODE 3710-08-M

Department of the Navy

32 CFR Part 770

Rules Limiting Public Access to Particular Installations; Base Entry Regulations for Naval Submarine Base, Bangor, Bremerton, Washington

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Navy is adding Subpart B to 32 CFR Part 770 in order to set forth regulations governing entry upon Naval Submarine Base, Bangor, Bremerton, Washington. These regulations limit entry to authorized persons because Naval Submarine Base, Bangor has been designated as the West Coast home port of Trident submarines. It is vital to national defense that the operation of the base be continued without undue interruption. Additionally, many areas of the base are industrial in nature and contain construction sites where inherently dangerous conditions exist. It is intended that these regulations will apprise members of the general public of the rules governing access to Naval Submarine Base, Bangor, Bremerton, Washington.

EFFECTIVE DATE: June 6, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Alvin McDonald, JAGC, U.S. Navy, Legal Officer, Naval Submarine Base, Bangor, Bremerton, Washington 98315. Telephone: (206) 396-6157.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred by 50 U.S.C. 797, as implemented by Department of Defense Directive 5200.8 of August 20, 1954, together with the authority conferred under 5 U.S.C. 301, 10 U.S.C. 6011, as delegated in 32 CFR 700.702 and 32 CFR 700.714, the Commanding Officer, Naval Submarine Base, Bangor, Bremerton, Washington, on April 17, 1979, adopted entry regulations entitled, "Base Entry Policy" (SUBASE INST.. 5510.7). On March 15, 1949, the Secretary of the Navy, acting pursuant to the provisions of 40 U.S.C. 255, accepted jurisdiction on behalf of the United States of the lands occupied by Naval Submarine Base, Bangor. The base is presently being used and will continue to be used as the West Coast home port for Trident submarines. Facilities for the repair and overhaul of naval vessels are located at the base. It is vital to national defense that use of the base be continued without undue interruption. Additionally, due to the nature of industrial activities at the base, including heavy construction, there exist conditions inherently dangerous to the public. Accordingly, these regulations limit entry upon Naval Submarine Base Bangor to authorized personnel and those persons who have obtained advance consent pursuant to these regulations. It has been determined, in accordance with 32 CFR 296 and 32 CFR 701.57 that publication of these regulations for public comment prior to adoption is impractical, unnecessary, and contrary to the public interest, since the nature and national importance of the operations at Naval Submarine Base, Bangor, as well as the inherently dangerous conditions existing at the installation mandate the immediate and uninterrupted effectiveness of these regulations.

Accordingly, 32 CFR Part 770 is hereby amended by adding a new Subpart B as follows:

Subpart B—Base Entry Regulations for Naval Submarine Base, Bangor, Bremerton, Wash.

Sec.

Authority: 50 U.S.C. 797; DoD Dir. 5200.8 of August 20, 1954; 5 U.S.C. 301; 10 U.S.C. 6011, 32 CFR 700.702; 32 CFR 700.714.

Subpart B—Base Entry Regulations for Naval Submarine Base, Bangor, Bremerton, Wash.

§ 770.15 Purpose.

The purpose of this Subpart is to promulgate regulations governing entry upon Naval Submarine Base (SUBASE), Bangor.

§ 770.16 Definition.

For the purpose of this Subpart, SUBASE Bangor shall include that area of land in Kitsap and Jefferson Counties, State of Washington which has been set aside for use of the Federal Government by an Act of the legislature of the State of Washington, approved March 15, 1939 (Session laws of 1939, Chapter 126).

§ 770.17 Background.

(a) SUBASE Bangor has been designated as the West Coast home port of the Trident Submarine. Facilities for the repair or overhaul of naval vessels are located at SUBASE Bangor. It is vital to national defense that the operation and use of SUBASE Bangor be continued without undue and unnecessary interruption. Many areas of SUBASE Bangor are of an industrial nature, including construction sites, where inherently dangerous conditions exist.

(b) For prevention of the interruption of the stated use of the base by the presence of any unauthorized person within the boundaries of SUBASE Bangor, and prevention of injury to any such person as a consequence of the dangerous conditions which exist, as well as for other reasons, it is essential to restrict entry upon SUBASE Bangor to authorized persons only.

§ 770.18 Entry restrictions.

Except for military personnel and civilian employees of the United States in the performance of their official duties, entry upon Naval Submarine Base, Bangor, or remaining thereon by any person whatsoever for any purpose without the advance consent of the Commanding Officer, SUBASE Bangor or his authorized representative is prohibited. *See* 18 U.S.C. 1382; the Internal Security Act of 1950, Section 21 (50 U.S.C. 797); Department of Defense Directive 5200.8 of 20 August 1954; Chief of Naval Operations Instruction 5510.45B of 19 April 1971; Chief of Naval Operations Instruction 5511.9A of 1 October 1954.

§ 770.19 Entry procedures.

(a) Any person or group of persons desiring the advance consent of the Commanding Officer, SUBASE Bangor or his authorized representative shall, in writing, submit a request to the Commanding Officer, SUBASE Bangor, at the following address: Commanding Officer, Naval Submarine Base, Bangor, Bremerton, Washington 98315.

(b) Each request for entry will be considered on an individual basis weighing the operational, security, and safety requirements of SUBASE Bangor with the purpose, size of party, duration of visit, destination, and military resources which would be required by the granting of the request.

§ 770.20 Violations.

(a) Any person entering or remaining on SUBASE Bangor, without the consent of the Commanding Officer, SUBASE Bangor or his authorized representative, shall be subject to the penalties prescribed by 18 U.S.C. 1382, which provides in pertinent part: "Whoever, within the jurisdiction of the United States, goes upon any military, naval * * * reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation * * * shall be fined not more than $500 or imprisoned not more than six months or both."

(b) Moreover, any person who willfully violates this Subpart is subject to a fine not to exceed $500 or imprisonment for not more than one (1) year or both as provided in 50 U.S.C. 797.

Dated: June 1, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-17685 Filed 6-5-79; 8:45 am]

BILLING CODE 3810-71-M

POSTAL SERVICE

39 CFR Parts 10, 111, 601

INTERNATIONAL POSTAL SERVICE; GENERAL INFORMATION ON POSTAL SERVICE; AND PROCUREMENT OF PROPERTY AND SERVICES

Incorporations by Reference

Editorial Note.—The Acting Director of the Federal Register, under 5 U.S.C. 552(a) and 1 CFR Part 51, grants approval to extend, from July 1, 1979 until July 1, 1980, the following incorporations by reference: Postal Service Publication No. 42, International Mail (39 CFR 10.4); Chapter I of the Postal Service Manual (39 CFR 111.4); and Publication No. 41, Postal Contracting Manual (39 CFR 601.100).

(This editorial note was originally printed on 44 FR 31976, June 4, 1979. It is reprinted here to correct typographical errors.)

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 502, 512, and 531

Domestic Circular Letter No. 1-79; Bunker Surcharges in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: Shortening of statutory notice period and modification of reporting requirements pertaining to bunker fuel surcharges.

SUMMARY: The Federal Maritime Commission will accept tariffs containing bunker surcharges which constitute general rate increases under Pub. L. 95-475 on 30 days notice and for such increases will accept financial reports other than those required by existing regulations. The recent sudden and drastic fuel increases were not contemplated under existing regulations for the implementation of rate increases. Strict adherence to these regulations would seriously impair the financial viability of regulated carriers in the Domestic Offshore Trades. Bunker surcharges which are not general rate increases must also be accompanied by financial reports.

EFFECTIVE DATE: June 6, 1979.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Pursuant to section 2 of the Intercoastal Shipping Act, 1933, 46 U.S.C. 845, as amended by Pub. L. 95-475, 92 Stat. 1494 (1978), the Federal Maritime Commission has determined that good cause exists to allow the filing of tariffs, containing bunker surcharges constituting general rate increases on a 30-day notice period rather than on the 60-day notice period otherwise applicable.

Recent dramatic escalation in oil prices throughout the world, with little or no advance notice, has had a serious financial impact on ocean common carriers in the domestic offshore trades. Fuel costs, which even prior to the recent price hikes averaged nearly 10% of their total operating expenses, have increased by at least 40% since January.[1]

Moreover, public sources confirm that the oil price situation will be volatile for the foreseeable future,[2] and there is every reason to believe that increases will continue to be posted with little or no warning by suppliers of the amount or effective date.

In light of the foregoing, to require the domestic offshore carriers to file bunker surcharge increases of 3% or more on the full 60-day statutory notice period would impose a severe financial hardship on an industry that is already earning a relatively low rate of return,[3] hence operating on a narrow cash-flow margin.

We conclude, therefore, that good cause exists to allow pass-through of increased fuel costs in the form of a bunker surcharge on 30 days' notice rather than on the 60-day notice period otherwise applicable to tariff amendments that constitute a "general rate increase" as defined in section 2 of the Intercoastal Shipping Act, as amended.

Likewise, non-vessel operating common carriers must be accorded similar treatment. This latter segment of the industry needs relief from the statutory notice period of 60 days to pass through the underlying water carriers' surcharges.

The 30-day notice period here enunciated reflects an application of Commission judgement to strike an appropriate balance between the needs of shippers and the needs of carriers.

Tariffs containing bunker surcharges which do not constitute a general increase in rates within the meaning of Pub. L. 95-475 must continue to be filed on the normal 30-day notice period.

The reporting requirements otherwise applicable to general increases in rates are suspended to the extent they apply to bunker surcharges and the reduced reporting requirements of the Circular Letter shall be filed in lieu thereof. The financial justification required for rate

[1] Actual figures indicate increased bunkering costs varying from 41.72% for one carrier to 57.63% for another carrier during the period January-April of 1979.

[2] "... [B]y allowing each of the 13 OPEC members to tack any size surcharge on top of the official price, there is no longer a ceiling on the world price of oil. The free-for-all pricing that has appeared in the spot oil market since Iran gave way to turmoil has thus been institutionalized."

"OPEC—The Cartel's Deadly New Sting": *Business Week*, April 9, 1979, p. 96. See also Levy, "A Warning to the Oil Importing Nations": *Fortune*, May 21, 1979, p. 48.

[3] The overall rate of return in 1977, the latest year for which data are available, was 3.51%. A 40% increase in bunkerage would have added about $20 million to operating costs, eroded profits by 63% (from $14.7 million to $5.4 million) and resulted in a rate of return of only 1.28%.

increases is not affected by this action. The modified reporting requirements are intended to ensure that bunker surcharges are set at levels which will recover only the increased costs of fuel and not result in windfall revenues to the carriers.

The emergency conditions stated above are equally applicable to the Commission's determination that the otherwise applicable procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 553, must be dispensed with in this case. Accordingly, the Commission, for the above stated good cause, finds that notice and public procedure in this matter are impracticable, unnecessary and contrary to the public interest.

PART 502—RULES OF PRACTICE AND PROCEDURE

§ 502.67 [Suspended]

PARTS 512, AND 531 [SUSPENDED]

Therefore, Part 512, Part 531 and § 502.67 of Title 46, Code of Federal Regulations are suspended to the extent set forth in the attached Domestic Circular Letter until further notice of the Federal Maritime Commission.

By the Commission.

Francis C. Hurney,

Secretary.

Domestic Circular Letter No. 1–79

Vessel Operating and Non-Vessel Operating Common Carriers in the Domestic Offshore Commerce of the United States

Vessel Operating Common Carriers (VOCC) and Non-Vessel Operating Common Carriers (NVOCC) in the Domestic Offshore Trades are hereby granted continuing outstanding special permission to establish and amend a bunker surcharge in their tariff publications on 30 days' notice to the Commission. The purpose of the special permission is (1) to allow the filing of bunker surcharges that fall within the definition of a general increase in rates contained in Pub. L. 95–475 on 30 days notice rather than 60 days notice; and (2) to suspend 46 CFR Part 531 (G.O. 38) to the extent necessary to permit the filing of consecutively numbered supplements containing bunker increases for VOCC's and water transportation cost pass thru for NVOCC's when accompanied by specified financial justification. Such a tariff supplement may be filed no more often than once per 30 days and must contain an expiration date not later than 120 days after the effective date of the proposed provisions. VOCC's filing such increases must file after 90 days a certified report (Form FMC–275) to the Commission reflecting their experience under the bunker surcharges and submitting their cost and consumption of fuel. When accompanying subsequent bunker surcharge filings within the 90-day period, the information on Form FMC–274 with respect to fuel surcharge recoveries will substitute for the 90-day report.

Applicable provisions of Part 512, Part 531 and § 502.67 (46 CFR 512, 531 and 502.67) of Commission regulations are hereby suspended to the extent necessary to carry out the specific purpose of this outstanding special permission. *This authority is expressly conditioned upon the simultaneous receipt of the information requested on FMC Form No. FMC–274 for VOCC's and FMC Form No. FMC–276 for NVOCC's in the Domestic Offshore Commerce of the United States.*

Any surcharge filed pursuant to this authority shall be published in supplement form. The supplement shall cancel any previous supplement containing a bunker surcharge, shall restate the bunker surcharges, with their expiration dates, in effect at the time the supplement will become effective, shall separately show the new amount requested, and shall show the cumulative amount of the bunker surcharge.

This authority does not prejudice the right of the Commission to reject any supplement submitted pursuant to this authority. If the information requested has not been furnished, or is defective, or appears to the Director, Bureau of Ocean Commerce Regulation, to be insufficient to justify the increase published, then the proposed supplement shall be rejected and the VOCC or NVOCC shall be advised as to the specific failing of the rejected supplement and/or its justification. Nothing herein shall, however, prevent a carrier from resubmitting any matter under this authority.

This authority does not prejudice the right of the Commission to suspend and investigate, as appropriate, any filing submitted pursuant to the permission, either upon receipt of protests thereto or upon the Commission's own motion.

This special permission does not modify any of the provisions of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended, nor waive any of the Commission's published rules relative to the construction and filing of tariff schedules except as indicated herein. Any authorized publication must bear the notation: "Published under authority of Federal Maritime Commission *Special Permission No. 6335.*"

Francis C. Hurney,

Secretary.

BILLING CODE 6730-01-M

Form FMC-274
(5/79)

B180233(R0635)
Expires 80-5-31

VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE COMMERCE OF THE UNITED STATES

Fuel Surcharge Justification Carrier: _____ Tariff(s) FMC-F No. _____ Date: _____

1. Weighted average fuel cost per unit for units purchased between 12/25/78 and 1/5/79 or for the 10 days preceding the filing of the last general rate increase, whichever is later. 1. _____

2. Present per unit fuel cost: */ 2. _____

3. Difference (Line 1 subtracted from Line 2): 3. _____

4. Estimated consumption for next four months commencing with effective date of surcharge: 4. _____

   a. Last year's consumption for the identical period: 4a. _____
   b. Explain variations of ten percent (10%) or more on attached sheets.

5. Fuel consumption and cost for the four months period ending no earlier than 30 days prior to the filing date: 5. (Fuel) _____ (Cost) _____

6. Estimated four months consumption times difference in fuel cost (Line 3 times Line 4): 6. _____

7. [Under] or over recovery of increased fuel costs from surcharges in effect since 1/1/79 (Fuel Surcharge Recovery Line 17): 7. _____

8. Estimated four months cost adjusted for over or [under] Recovery (Line 6 plus [under] Recovery or Line 6 minus over Recovery): 8. _____

9. Revenue for the same period used in Item 5: 9. _____

*/ Documentation for the present fuel cost is required, such as copy of paid invoices, notice of price change(s) from the purveyor, etc. When the present fuel cost is supported by copy of paid invoices, the average for a consecutive ten day period, the end of which precedes the filing date of the surcharge by not more than ten days, shall be used. When fuel is purchased at more than one location, the weighted average shall be used. In those instances where the present fuel cost is supported by a notice of price change(s) from the purveyor, the weighted average for all locations where fuel is purchased shall be used. The carrier has the burden of demonstrating that this per unit fuel cost is truly representative of the fuel cost to be incurred while the surcharge is in effect.

Fuel Surcharge Justification Carrier: _____ Tariff(s) FMC-F No. _____ Date: _____

10. Estimated revenue for the four-month period utilized in Line 4 exclusive of proposed surcharge: 10. _____

11. Last year's revenue for identical period as shown in Line 10, explain difference: 11. _____

12. Percentage increase in revenue required to offset fuel costs as shown in Line 6 above (Line 8 divided by Line 10): 12. _____

13. Attach an Income Statement applicable to the subject Tariff(s) for the latest available twelve-month period which ends not more than 60 days prior to the filing date of the increase.

Fuel Surcharge Recoveries

14. Total fuel surcharge charges included in customer billings from effective date of first surcharge since 1/1/79 to ending date of Line 5 of this Fuel Surcharge Justification: 14. $ _____

15. Total fuel costs for same period as Line 14: 15. Barrels _____ 15. $ _____

16. Total costs for barrels shown on Line 15 based on Line 1 cost of this fuel surcharge justification:
16(a) Line 15 bls. _____
16(b) Line 1 cost $ _____
16(c) =16(a)x16(b) $ _____

17. Over or [under] recovery of increased fuel costs from surcharge in effect since 1/1/79 (Subtract line 16(c) from line 15; then subtract that figure from line 14. Place that figure on line 17 and carry back to line 7): 17. $ _____

Fuel Surcharge Justification Carrier: _____ Tariff(s) FMC-F.No. _____ Date: _____

CERTIFICATION

STATE OF _____)
as:
COUNTY OF _____)

_____ makes oath and says that he is _____
(Insert here the exact legal title or name of the Affiant) (Title of Affiant)

of _____ that it is his duty to have supervision over the books
(Insert here the exact title or name of the Respondent)

of account of the respondent and to control the manner in which such books are kept; that he has carefully examined the said report and to the best of his knowledge and belief the entries contained in the said report have, so far as they relate to matters of account, been accurately taken from the said books of account and are in exact accordance therewith; that he believes that all other statements of fact contained in said report are true, and that the said report is a correct and complete statement of the business and affairs of the above named respondent during the period of time from and including _____, 19___, to and including _____, 19___.

_____
(Signature of Affiant)

Subscribed and sworn to before me, a _____, in and for the State and county above named, this _____ day of _____, 19___. My commission expires: _____

_____
(Signature of officer authorized to administer oaths)

Place
Impression Seal
Here

Form FNG-275
(5/79)

B180233(R0639)
Expires 80-5-31

FUEL SURCHARGE REPORT
FROM _____ TO _____

Effective Date of Surcharge _____

Fuel Consumed (Units) _____

Fuel Cost $_____

Surcharge Collected $_____

Projected Surcharge:

Per tariff filing (line 6, Attachment 1) $_____

Applicable to reporting period $_____

CERTIFICATION

STATE OF _____)
as:
COUNTY OF _____)

_____ makes oath and says that he is _____
(Insert here the exact legal title or name of the affiant) (Title of Affiant)

of _____ that it is his duty to have supervision over the books of account of the
(Insert here the exact title or name of the respondent)

respondent and to control the manner in which such books are kept; that he has carefully examined the said report and to the best of his knowledge and belief the entries contained in the said report have, so far as they relate to matters of account, been accurately taken from the said books of account and are in exact accordance therewith; that he believes that all other statements of fact contained in said report are true, and that the said report is a correct and complete statement of the business and affairs of the above named respondent during the period of time from and including _____, 19_____, to and including _____, 19 _____.

_____
(Signature of affiant)

Subscribed and sworn to before me, a _____, in and for the State and county above named, this _____ day of _____, 19_____. My commission expires _____

Place
Impression Seal
Here

_____
(Signature of officer authorized to administer oaths)

Form FMC- 276
(5/79)

B180233(R0640).
Expires 80-5-31

NON-VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE COMMERCE OF THE UNITED STATES

NVO Water Transportation Costs Pass Thru Carrier: _____ Tariff FMC-F No. _____ Date _____

	Month	Carrier 1	Carrier 2	Carrier 3	
1. Underlying water carrier(s) utilized in FMC regulated trade.					
2. Gross freight revenue for each of the four months, the last of which ends no earlier than 30 days prior to filing of the pass thru.					
3. Amount paid to each underlying water carrier(s) for each of the four months shown in 2.					
4. Surcharge by underlying water carrier(s) in effect for each of the four months shown in 2. If none, show zero.					
5. Percent of cost pass thru in effect for each of the four months shown in 2. If none, show zero.					
6. Base cost is determined for each month by dividing each underlying water carrier's cost (as shown in 3) by that month's applicable surcharge (as shown in 4) plus 100%.					
Total					
7. Underlying water carrier surcharge.					
8. To determine the increased cost, multiply the total base cost arrived at in 6, for each underlying water carrier, by that carrier's surcharge (as shown in 7).					

NVO Water Transportation Costs Pass Thru Carrier: _____ Tariff FMC-F No. _____ Date _____

	Month	Carrier 1	Carrier 2	Carrier 3	
9. Total increase in cost for all carriers (as shown in 8)					
10. Base revenue is determined for each month by dividing the gross freight revenue (as shown in 2) by that month's applicable cost pass thru (as shown in 5) plus 100%.					
Total					
11. The projected cost pass thru is determined by dividing the increased cost (as shown in 9) by the base revenue (as shown in 10).					

12. Attach an Income Statement applicable to the subject Tariff(s) for the latest available twelve-month period which ends not more than 60 days prior to the filing date of the increase.

CERTIFICATION

STATE OF _____)
as:
COUNTY OF _____)

_____, makes oath and says that he is _____
(Insert here the exact legal title or name of the affiant) (Title of Affiant)

of _____ that it is his duty to have supervision over the books of account of the
(Insert here the exact title or name of the respondent)

respondent and to control the manner in which such books are kept; that he has carefully examined the said report and to the best of his knowledge and belief the entries contained in the said report have, so far as they relate to matters of account, been accurately taken from the said books of account and are in exact accordance therewith; that he believes that all other statements of fact contained in said report are true, and that the said report is a correct and complete statement of the business and affairs of the above named respondent during the period of time from and including _____, 19_____, to and including _____, 19 _____.

_____
(Signature of affiant)

Subscribed and sworn to before me, a _____, in and for the State and county above named, this _____ day of _____, 19_____. My commission expires _____

Place Impression Seal Here

_____
(Signature of officer authorized to administer oaths)

[FR Doc. 79-17318 Filed 6-5-79; 8:45 am]
BILLING CODE 6730-01-C

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 79-298]

Commission Organization; Amending Rule Concerning Delegation of Authority to Chief Broadcast Bureau

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This action modifies FCC procedural rules which require certain broadcast applications which present an issue of regional concentration of control to be considered by the Commission *en banc*. In 1977, the substantive rules were amended to prohibit generally the acquisition of a station or modification of facilities if such would result in the common ownership of three broadcast stations where any two are within 100 miles of the third and primary service contour overlap would occur. The FCC's procedural rules, which were not changed in this 1977 action, required all applications which would result in the acquisition of a third broadcast station within 100 miles of a presently-owned station to be considered by the Commission *en banc*, regardless of whether or not primary service contour overlap would occur. This action brings the procedural rules into conformance with the substantive rules by requiring the Broadcast Bureau to submit to the Commission for *en banc* consideration applications where grant would result in ownership of three broadcast stations with any two within 100 miles of the third only where primary service contour overlap would also be present. Where such overlap would not occur, the applications can be routinely granted by the Bureau.

DATE: Effective June 11, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William D. Freedman, Broadcast Bureau, (202) 632-3954.

In the matter of amendment of § 0.281 of the Commission's rules: Delegation of Authority to the Chief, Broadcast Bureau; memorandum opinion and order.

Adopted: May 10, 1979.

Released: May 30, 1979.

1. The Commission has under consideration § 0.281(a)(1)(i) of its Rules, which requires that the Chief of the Broadcast Bureau refer to the Commission *en banc* for disposition, all formal or informal applications for new or modified AM, FM or TV facilities, or for the renewal, assignment, or transfer of construction permits and licenses involving such facilities, where such applications will result, *inter alia*, in the acquisition of a third broadcast station within 100 miles of a presently-owned station.

2. In our Report and Order, *Amendment of §§ 73.35, 73.240, and 73.636 of the Commission's Rules*, 63 FCC 2d 824 (1977), we reviewed our policy regarding grants which would result in the acquisition of a third broadcast station where two are within 100 miles of a presently-owned station. We concluded, in part, that the probability that a regional concentration of control would result where there was no overlap of the primary service contours of the commonly-owned stations was too unlikely to require extensive showings from applicants in such cases. Accordingly, §§ 73.35(b), 73.240(a)(2) and 73.636(a)(2) of our Rules (which relate to AM, FM and TV broadcast stations, respectively) were amended to prohibit generally the acquisition of a station or modification of facilities if such would result in the common ownership of three broadcast stations where any two are within 100 miles of the third and primary service contour overlap would occur.

3. This change in our Rules requires modification of the previously-cited language of § 0.281(a)(1)(i). Thus, where a grant will result in acquisition of a third station within 100 miles but no primary service contour overlap would occur, the Broadcast Bureau may routinely grant the application under authority granted by § 0.71(j) of the Rules. Conversely, where such overlap is present, the proposed application will violate our Rules, in which case either return or dismissal by the Bureau pursuant to §§ 1.566 and 0.281 of the Rules or consideration of a waiver request, if any, by the Commission will be the appropriate course of action.

4. Authority for the adoption of this Order is contained in Section 5(d) of the Communications Act of 1934 as amended. Since it relates to internal Commission management, practice and procedure, and because the early implementation of these changes will expedite the transaction of the public business, compliance with the notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, is not required.

5. Accordingly, it is ordered, That § 0.281(a)(1)(i) of the Rules is amended in the manner set forth below, effective June 11, 1979.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

1. Section 0.281(a)(1)(i) is revised to read as follows:

§ 0.281 Authority delegated.

* * * * *

(a)(1) * * *

(i) Acquisition of a third broadcast station or modification of facilities if such would result in the common ownership of three broadcast stations where any two are within 100 miles of a third and primary service contour overlap would occur; "one-to-a-market" situations involving UHF stations or TV satellite stations; and duopoly situations involving TV satellite stations. (Commonly owned AM and FM stations in the same market are treated as one station for the purpose of the "third station" limitations.)

* * * * *

[FR Doc. 79-17437 Filed 6-5-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 2, 74, and 78

[Docket No. 21505; RM-2208; FCC 79-309]

Expanding Frequencies Available for Use by Cable Television Relay Service Stations and Setting Aside 13.15-13.20 GHz for Usage by Television and Cable Television Relay Service Pickup Stations on Coequal Basis

AGENCY: Federal Communications Commission.

ACTION: First Report and Order in Docket 21505.

SUMMARY: The FCC is expanding the number of frequencies available for use by stations in the Cable Television Relay Service (CARS) from 12.7-12.95 GHz to 12.7-13.20 Ghz. The band 13.15-13.20 GHz is set aside for use by Television and Cable Pickup stations in one hundred metropolitan areas.

EFFECTIVE DATE: July 6, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Melvin Murray, Spectrum Allocation Division, Office of Chief Engineer (202) 632-6350.

In the matter of amendment of Parts 2 and 78 of the Commission's rules and regulations to Expand the Frequencies Available for use by Cable Television Relay Service Stations and, amendment

of Parts 74 and 78 of the Commission's rules and regulations to set aside 13.15–13.20 GHz for usage by Television and Cable Television Relay Service Pickup Stations on a coequal basis and, and inquiry to determine public interest and need to establish similar technical standards for both the Cable Television Relay Service and the Broadcast Auxiliary Service in the 12.7–13.20 GHz band.

First Report and Order. (See 43 FR 23616; May 31, 1979)
Adopted: May 17, 1979.

Released: June 1, 1979.

1. In response to a petition from Teleprompter Corporation for expansion of the Cable Television Relay Service (CARS) band from 12.7–12.95 GHz to 12.7–13.25 GHz, a combined Notice of Proposed Rule Making and Notice of Inquiry in Docket No. 21505 was adopted by the Commission, December 21, 1977.[1] In that Notice, the Commission proposed expanding the CARS band to include the band 12.7–13.20 GHz. This *Order* accordingly allocates the 12.7–13.20 GHz band as proposed, but with some modifications being made to the proposed frequency channelization plans. As such, the CARS will share on a primary basis the 12.7–13.20 GHz band with Broadcast Auxiliary Stations (BAS), regulated under Subpart F of Part 74 of the Commission's Rules. In addition, for the top one hundred markets, channels in the 13.15–13.20 GHz band are being set aside for exclusive use by TV and CARS pickup usage. Concurrent with the *First Report and Order in Docket No. 21505,* a *Further Notice of Proposed Rule Making* is being issued regarding technical standards and antenna requirements for both the CARS and BAS in the 12.7–13.20 GHz band.

2. Interested persons were invited to file comments in this proceeding by May 12, 1978, and reply comments by June 12, 1978. Pursuant to a petition filed by the National Association of Broadcasters, the period for filing comments was subsequently extended to July 12, 1978, and for filing reply comments to August 12, 1978. Parties filing comments in this proceeding include three groups—(1) broadcast interests, (2) cable interests, (3) equipment manufacturers, and (4) others. This listing is included in Appendix A.

Proposed Allocation

3. With respect to whether the 12.95–13.20 GHz band should be allocated to CARS, cable interests generally supported the proposal, while television broadcasters opposed it. NAB indicates that the proposal completely eliminates any exclusive spectrum for broadcast auxiliary activities and that congestion in the metropolitan areas would be untenably multiplied by such sharing. CBS and NBC contend the proposed rules would have a devastating effect upon the ability of television broadcast stations to operate existing ENG systems [2] and/or to install new ENG systems. This issue is further discussed in paragraphs 13–18 herein. In its comments, Hubbard states that CARS should not be accorded access to the 12.95–13.20 GHz portion of the spectrum because sharing will restrict expansion of valuable local broadcast service. ABC indicates that broadcast auxiliary operations are an important and essential link in the broadcasting chain and must be operated in an interference-free environent to be effective in providing service to the public. It urges "the Commission to resist the emasculation of the Broadcast Auxiliary Service" by maintaining the exclusive allocation at 12.95–13.20 GHz.

4. We have documented the need to expand the present CARS band at length and in detail in the Notice of Proposed Rule Making.[3] Comments representing broadcast interests do not refute the facts and statistics presented. Until this time the 12.95–13.20 GHz band has been an exclusive allocation for the broadcast auxiliary service and it is apparent that the broadcast industry feels that this exclusivity should be maintained. However, we are of the opinion that the spectrum needs for CARS outweigh the need to preserve the 12.95–13.20 GHz band as an exclusive allocation for television auxiliary stations. Accordingly, the *Order* allocates the 12.95–13.20 GHz band to CARS on a shared basis.

Channelization Plans

5. It was proposed to delete Section 78.18(i) (2) and (3) [4] so that any new CARS facility would be limited to using a maximum of 12.5 MHz authorized bandwidth per channel regardless of path length. Because manufacturers' equipment reports and experience from several existent systems conclusively indicated the technical viability of this transmission technique, the reference rule deletion was proposed to encourage the conservation of this limited spectrum resource through a more effective frequency utilization plan.

6. With the exception of the Hawaii Cable Television Association, the Tribune Publishing Co., Theta-Com of California, and Mr. G. Presley of Austin, Texas, all parties were opposed to this rule deletion. Several comments, including those of broadcasters, indicate that subcarriers for control, audio, alarm, etc. could not be accommodated if the bandwidth were to be limited to 12.5 MHz. Implementing the use of such channels could necessitate the addition of filters in the transmission system which would increase loss and corresponding fade margin. Also, a degradation in differential phase and gain, although relatively minor, is incurred. Moreover, dual polarization of adjacent channels is generally required to achieve sufficient isolation.

7. At this time, the Commission's records show in the continental United States, approximately 250 CARS stations and pending applications for stations, use or intend to use "periscope" or "flyswatter" antenna systems. Of these 250, about 98% are, or will be, located outside the 100 metropolitan areas mentioned in paragraph 17 herein. Because such antenna systems lack sufficient discrimination to permit effective use of dual polarization, it is apparent that many stations could not immediately implement an expansion into the 12.95–13.20 GHz band using adjacent 12.5 MHz bandwidth channels.

8. Computer Cablevision, NCTA, and Viacom suggest that the same effect of channel-width reduction may be accomplished using an interleave system. In an interleave system, channels with bandwidths of 25 MHz each, are transmitted over a system with adjacent carrier frequencies separated 12.5 MHz and alternately polarized. NCTA states that "this method was approved by the Commission on the two RCA Americom satellites and may provide nearly the same results sought by the Commission, but without many of the difficulties associated with a 12.5 MHz bandwidth limitation." Several CARS systems presently use this method to relay their signals. An example is station WJA–75 at Mt. Oso, California. It uses a frequency interleave configuration consisting of channel A01 (12.7–12.725 GHz) horizontally polarized;

[1] 43 FR 9500, March 8, 1978.

[2] An Electronic News Gathering (ENG) system using a mobile TV camera may relay corresponding program information via a microwave link. For television broadcast licenses, three bands, at 2, 7, and 13 GHz are available for this purpose.

[3] In 1977, Commission records indicated the CARS band (12.7–12.95 GHz) to be fully loaded at some 38 locations. At sixteen other locations the CARS band was near saturation. In several other instances, the Commission had granted waivers to licensees to operate in the 12.95–13.25 GHz band.

[4] Section 78.18(i) requires CARS stations to use no more than 12.5 MHz authorized bandwidth per channel except in the circumstances listed in Section 78.18(i)(1–5). Section 78.18 (i)(2) lists "CARS Pickup Station" and Section 78.18(i)(3) lists "transmission path is more than 10 miles in length."

B01 (12.7125–12.737 GHz) vertically polarized; A02 (12.725–12.750 GHz) horizontally polarized; B02 (12.7375–12.7625 GHz) vertically polarized; and A03 (12.750–12.775 GHz) horizontally polarized, to relay television programs over a 67.5 kilometer path to Los Banos.

9. In light of the foregoing arguments against limiting the per channel bandwidth to 12.5 MHz, we are withdrawing that proposal at this time and are adopting an expansion of the A and B channels (i.e. the 25 MHz bandwidth channels) for CARS in the 12.95–13.20 GHz band. For purposes of consistency in the 12.7–13.20 GHz band, the current 25 MHz bandwidth channels listed in Section 74.602 are similarly being designated as "A" channels. New "B" channels, each 25 MHz wide and offset 12.5 MHz from the correspondent "A" channels, are added. To encourage CARS and BAS licensees to employ alternate A and B channels in a frequency interleave configuration, Sections 74.602(a) and 78.18(d) are being modified to include appropriate language.

10. In the *Further Notice of Proposed Rule Making* in this docket, also being released today, we are setting forth certain restrictions on the future use of periscope antenna systems. It is anticipated that the adoption of such restrictions will lead to a more effective utilization of this spectrum. Although we shall not require applicants to use alternate "A" and "B" channels, or even adjacent "A" channels, we do *request* at this time that licensees *voluntarily* seek to conserve available spectrum at all locations and to design and install spectrum efficient systems for the 12.7–13.20 GHz band.

11. In the Notice of Proposed Rule Making, no proposal was made to change the Group "C" channels set out in Section 78.18(a)(2). An expansion to 13.0057 GHz was proposed for the Group "D" channels. In response, Hughes Aircraft Company and Theta-Com of California (Hughes), a manufacturer of CARS band equipment which uses the Group "C" and "D" channelization plans, recommended that the Commission adopt the plans contained in the engineering statement submitted by Teleprompter (TPT) in support of their original petition for rule making (RM–2208) dated June 6, 1973, as further amended on Page 6 of the comments of Theta-Com of California dated July 12, 1973. On September 26, 1978, Hughes amended this recommendation through an oral presentation before the Commission's staff and a written submission dated October 18, 1978.[5] It proposes a second group of channels, designated "E", beginning at 12.9525 GHz and extending to 13.1985 GHz. With the exception of the frequency boundaries, the channelization plan for this band is the same as that for the current "C" group in the 12.7005–12.9465 GHz band. In similar manner, a second group of 6 MHz channels, designated the "F" group beginning at 13.0125 GHz and extending to 13.1985 GHz, was suggested to complement the current "D" group channels. Since no objections to these plans were received, we believe these channelization plans would be beneficial in encouraging further use of narrower-band 6 MHz equipment. Accordingly, we are adopting Hughes' modified channelization plans.

12. In other comments Hughes points out that "it would be appropriate to simplify the rules by deleting the channel plans for frequency-division multiplexed FM transmission of the type originally contemplated when the LDS rules were established." It indicates that this modulation technique proved to be impractical and no equipment was manufactured or licensed. We concur with Hughes' recommendation and are herein deleting the current listing of Group E, F, G, and H channels from Section 78.18. The new group "E" and "F" channels, as discussed in paragraph 11 above, will accordingly be substituted.

TV and CARS Pickup Stations

13. It was proposed to set aside 50 MHz at 13.15–13.20 GHz for the operation of TV and CARS Pickup stations on a co-equal, primary basis. In opposition to this proposal, CBS states that of the 54 television auxiliary broadcast stations which it operates, 35, or 65%, are pickup, or mobile, units for ENG usage. It states "where there is a multiplicity of television stations and where such stations sometimes have more than one ENG system, there is a growing requirement for a large number of frequencies for mobile TV pickup use." CBS further claims that "any curtailment of the frequencies available for TV pickup use, and/or reclassification to 'secondary' status, would have a devastating effect upon the ability of television broadcast stations to operate existing ENG systems, and/or to install new ENG systems."[6] NAB claims that "reducing the mobile priority allocation to 50 MHz, and including CARS stations would essentially preclude any reliable TV pickup operations on this band." In similar comments, NBC objects to the proposal but adds that "many pickup stations can be made on Band D channels also occupied by TV STL or Inter-City Relay stations with no adverse effect on either station."

14. It appears the foregoing parties have misunderstood the intent of our proposal. The 13.15–13.20 GHz band, as proposed, would be set aside for the sole use of pickup stations (i.e., ENG operations) where such frequencies are not currently assigned to other types of stations. In essence, the proposed action would exclude the further authorization of fixed stations in the 13.15–13.20 GHz band. However, because most, or all, channels in the 12.7–13.25 GHz band are now assigned in many of the larger markets, it is apparent that this proposal would primarily benefit the smaller markets of the top one hundred for pickup usage. Of course, all channels in the 12.7–13.15 GHz band are available for assignment to pickup stations on a secondary basis to fixed stations. In addition, the 13.20–13.25 GHz band is available for assignment to Television Auxiliary stations.

15. TeleprompTer (TPT) and Viacom suggest that this allocation (13.15–13.20 GHz) for TV and CARS Pickup stations be restricted to just those metropolitan areas served by TV broadcast stations. In this manner, the band could be shared by point-to-point stations outside these areas. In particular, TPT recommends that 13.15–13.20 GHz be reserved only within a 20 mile (32.2 km) radius of cities having three or more TV allotments. For cities having at least one, but less than three television channel allotments, only 25 MHz (13.175–13.2 GHz) would be set aside for the exclusive use of mobile operations. "Viacom believes that it might be in the public interest to restrict this allocation to within 35 miles of each of the top 100 markets (as defined by Section 76.51 of the Commission's Rules) in order not to place an artificial restriction on the remainder of channels."

16. It is apparent from surveying Commission records that many television broadcast licensees are currently using pickup stations (in an ENG capacity), particularly in the larger markets. These stations are assigned channels throughout the 12.7–13.25 GHz band. In addition, there are many Pickup stations operating in the 2 GHz (band A) and 7 GHz (band B) bands, pursuant to Section 74.602. Moreover, information submitted by CBS indicates future

[5] FCC Public Notice dated November 2, 1978, listed the availability for inspection and comment of this *ex parte* material.

[6] It is noted that the Commission has received a Petition for Rule Making (RM–3075), March 1978, from CBS requesting amendment of Sections 2.106 and 74.602 to add the 38.6–40 GHz band for ENG usage.

growth in the number of stations using ENG will be leveling off. Microwave Associates expects growth through 1980 to be 10 to 12% average. It claims 60% of this growth will take place in the smaller markets.

17. Accordingly, we see no real impact by setting aside 13.15–13.20 GHz, as proposed, to principally provide interference protection to pickup stations operating within this band segment by proscribing any further licensing of other types of stations in the 13.15–13.20 GHz band. Since pickup usage is generally confined to urban areas we are further limiting this rule to an area with a radius of 50 km (31 miles) of the reference points, set out in Section 76.53, corresponding with the listed markets in Section 76.51. This geographical restriction will allow use of this band segment, 13.15–13.20 GHz, for point-to-point relay operations in the rural areas.

18. Pickup stations may continue to use channel bandwidths as provided for in our rules. However, because the RF spectrum is a limited resource, we urge all licensees to use transmission systems that are capable of relaying signals with the least amount of bandwidth. As a means of reducing the likelihood of interference to fixed stations, a 250 milliwatt power limit on the transmitter is being proposed (See the *Further Notice of Proposed Rule Making* being released in conjunction with this *Order*) in the 12.7–13.20 GHz band. No restrictions are proposed for the associated antenna.

Television Auxiliary Stations To Feed CARS Stations

19. In the initial NPRM in this proceeding it was proposed to allow television auxiliary broadcast stations to provide signals to cable television systems on a non-profit, cost-sharing basis, just as in the *Report and Order in Docket No. 20539,*[7] CARS stations were permitted to feed translators. No comments were filed in opposition; in support were Rockwell, NCTA, and TPT. They indicated that the proposal was consistent with the Commission's policies and purposes to conserve spectrum space. It was mentioned that duplicative paths transporting identical signals should be avoided wherever possible. Accordingly, this proposal is herein adopted without change.

Other Issues

20. We also received a number of comments pertaining to issues not discussed in the Commission's Notice. Since these comments do not directly address the instant proposal, we believe they would be more appropriately considered in a separate proceeding. For informational purposes, a brief summary of each issue follows:

Jerry Presley of Austin, Texas suggested the eligibility for license included in Section 78.13 be broadened to include other cable access users which the Commission may see fit to authorize.

A number of cable interests requested that § 78.18(e), which requires applicants for Group K channels apply for adjacent channels, be deleted.

Several comments requested the Commission expand CARS eligibility, not only into the 12.95–13.20 GHz band, but also into 1990–2100 MHz, 2450–2500 MHz (Band A) and 6875–7125 MHz (Band B).[8]

"Joint Comments" suggested an amendment of Section 0.288 of the Commission's Rules to delegate to the Chief of the Cable Television Bureau authority to act on (1) contested CARS applications and (2) uncontested CARS applications requesting a waiver of the Rules. (It is noted that the Chief of the Cable Television Bureau does now have delegated authority to act upon contested CARS applications and waivers where precedent has been determined by the Commission, pursuant to Section 0.288 of the Commission's Rules.) Also, it requested amending Section 78.22(b) to extend the time periods for filing objections to petitions to deny and replies to such opposition. The number of copies of petitions to deny, oppositions and replies there to required to be submitted was suggested to be specified as two.

21. Moreover, "Joint Comments" requested the Commission explain why 13.20–13.25 GHz was not a proposed allocation for CARS as originially petitioned by TelePrompTer. As pointed out, the 13.20–13.25 GHz band is currently shared by television auxiliary broadcast stations, the Point-to-Point Microwave Radio Service, the Local Television Transmission Service, and the Private Operational-Fixed Microwave Service for developmental operation. Because of the varied number of services using this band and in view of our desire to act expediently, we chose to limit this proceeding to just the 12.95–13.20 GHz band. Again, we believe this matter would be more appropriately addressed in a separate proceeding.

22. The public's attention is also requested to the *Further Notice of Proposed Rule Making in Docket No. 21505* being adopted today which addresses the matter of type acceptance of equipment used in Television Auxiliary Stations and associated technical standards for stations in the Cable Television Relay Service and Television Auxiliary Stations.

23. Accordingly, pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, it is ordered that effective July 6, 1979, Parts 2, 74 and 78 are amended as shown in Appendix B.

24. For additional information contact: Mel Murray, Federal Communications Commission, Office of the Chief Engineer, 2025 M St., N.W., Washington, D.C. 20554. Phone—(202) 632–6350.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix A

I. The following parties, arranged into four groups for convenience, filed comments in response to the combined Notice of Proposed Rule Making and Notice of Inquiry in Docket No. 21505:

A. *Broadcast interests*

American Broadcasting Cos., (ABC)
CBS, Inc. (CBS)
KTVY, Inc. (KTVY)
National Association of Broadcasters (NAB)
National Broadcasting Co., Inc. (NBC)

B. *Cable interests*

A-R Telecommunications Division of Adams-Russell
Hawaii Cable Television Association
Hughes Aircraft Co. and Theta-Com of California
Joint Comments—26 parties
Liberty Communications, Inc.
National Cable Television Association (NCTA)
Rockwell International Corporation
TelePrompTer Corporation
Tribune Publishing Company
Viacom International, Inc.

C. *Equipment manufacturers*

Microwave Associates, Inc.

D. *Others*

Jerry Presley

II. Reply comments in the proceeding were filed by:

American Broadcasting Companies, Inc. (ABC)
Computer Cablevision, Inc.
Hubbard Broadcasting, Inc. (Hubbard)
Hughes Aircraft Co. and Theta-Com of California
KTVY, Inc.
National Cable Television Association (NCTA)
TelePrompTer Corporation

Appendix B

Parts 2, 74, and 78 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. Part 2 is amended as follows:

1. In § 2.106, the Table of Frequency Allocations is amended in columns 7 through 11 for the bands 12.7–12.75 GHz, 12.75–12.95 GHz, and 12.95–13.2 GHz and footnote NG 53 are amended to read as follows:

[7] *Report and Order in Docket 20539,* 67 FCC 2d 209 (1977).

[8] We expect the shared use of 12.7–d13.2 GHz (Band D) will be sufficient to meet the needs of most CARS licensees. However, in rural areas where the 2 and 7 GHz bands are uncongested and where significant cost savings can accrue to cable subscribers or other unusual circumstances (See *Warner Cable of Columbus, Inc.,* FCC 77–733, adopted Oct. 26, 1977), the Commission will carefully consider requests on a case-by-case basis for a waiver of the rules to permit use of Band A or Band B.

Band (GHz)	Service	Class of Station	Frequency	Nature of stations (OF SERVICES)
7	8	9	10	11
*	*	*	*	*
12.7-12.75 (NG 53) (NG 118)	FIXED FIXED-SATELLITE MOBILE	Cable Television Relay Earth Television intercity relay *** Television STL		***
12.75-13.20 (NG 53) (NG 118)	FIXED MOBILE	Cable Television relay Television intercity relay *** Television STL		***

NG 53 In the band 12.7-13.15 GHz television pickup stations and CARS pickup stations shall be assigned channels on a co-equal basis and shall operate on a secondary basis to fixed stations operating in accordance with the Table of Frequency Allocations. In the 13.15-13.20 GHz band television pickup stations and CARS pickup stations shall be assigned on an exclusive basis in the top one hundred markets, as set out in Section 76.51.

* * * * *

B. Part 74 is amended as follows:

1. In § 1. § 74.601, paragraph (d) is amended to read as follows:

§ 74.601 Classes of television auxiliary broadcast stations.

* * * * *

(d) *Television translator relay station.* A fixed station used for relaying programs and signals of television broadcast stations to television broadcast translator stations and to other communications facilities that the Commission may authorize.

* * * * *

2. In § 74.602, paragraph (a) is amended and the frequency assignment table is amended by adding new footnotes 1 and 2 as follows:

§ 74.602 Frequency assignment.

(a) The following frequencies are available for assignment to television pickup, television STL, television intercity relay stations and television translator relay stations:

Band A MHz	Band B MHz	Group A Channels Designation	Group A Channels Channel Boundaries	Band D (1) GHz Group B Channels Designation	Group B Channels Channel Boundaries
1990-2008	6875-6900				
2008-2025	6900-6925				
2025-2042	6925-6950	AØ1	12.700-12.725	BØ1	12.7125-12.7375
2042-2059	6950-6975	AØ2	12.725-12.750	BØ2	12.7375-12.7625
2059-2076	6975-7000	AØ3	12.750-12.775	BØ3	12.7265-12.7875
2076-2093	7000-7025	AØ4	12.775-12.800	BØ4	12.7875-12.8125
2093-2450	7025-7050	AØ5	12.800-12.825	BØ5	12.8125-12.8375
2450-2467	7050-7075	AØ6	12.825-12.850	BØ6	12.8375-12.8625
2467-2484	7075-7100	AØ7	12.850-12.875	BØ7	12.8625-12.8875
2484-2500	7100-7125	AØ8	12.875-12.900	BØ8	12.8875-12.9125
		AØ9	12.900-12.925	BØ9	12.9125-12.9375
		A10	12.925-12.950	B10	12.9375-12.9625
		A11	12.950-12.975	B11	12.9625-12.9875
		A12	12.975-13.000	B12	12.9875-13.0125
		A13	13.000-13.025	B13	13.0125-13.0375
		A14	13.025-13.050	B14	13.0375-13.0625
		A15	13.050-13.075	B15	13.0625-13.0875
		A16	13.075-13.100	B16	13.0875-13.1125
		A17	13.100-13.125	B17	13.1125-13.1375
		A18	13.125-13.150	B18--(2)	13.1375-13.1625
		A19--(2)	13.150-13.175	B19--(2)	13.1625-13.1875
		AØ--(2)	13.175-13.200	BØ--(2)	13.1875-13.2125
		A21	13.200-13.225	B21	13.2125-13.2375
		A22	13.225-13.250		

1/ For fixed stations using Band D Channels, applicants are encouraged to use alternate A and B channels such that adjacent R.F. carriers are spaced 12.5 MHz. As example, a fixed station, relaying several channels, would use AØ1, BØ1, AØ2, BØ2, AØ3, etc.

2/ The band 13.15-13.20 GHz is reserved exclusively for the assignment of Television Pickup and CARS Pickup stations on a co-equal basis within a 50 km radius of each of the 100 television markets delineated in Section 76.51. Fixed television auxiliary stations licensed pursuant to applications accepted for filing before Sept. 1, 1979, may continue operation on channels in the 13.15-13.20 GHz band, subject to periodic license renewals.

§ 74.602 [Amended]

3. In § 74.602(h) the frequency 12.950 MHz, is deleted and replaced by 13.200 MHz in line 5.

* * * * *

4. In § 74.631, paragraph (g) is amended and new paragraph (h) is added to read as follows:

§ 74.631 Permissible service.

* * * * *

(g) Except as provided in paragraph (d) of this section, a television translator relay station is authorized for the purpose of relaying the programs and signals of a television broadcast station to television broadcast translator stations for simultaneous retransmission.

(h) Television auxiliary broadcast stations authorized pursuant to this subpart may additionally be authorized to supply programs and signals of television broadcast stations to cable television systems or CARS stations. Where the licensee of a television auxiliary broadcast station supplies programs and signals to cable television systems or CARS stations, a written contract between the parties involved shall be in effect which provides that the television auxiliary licensee shall have exclusive control over the operation of the television auxiliary stations licensed to it and that contributions to capital and operating expenses are accepted only on a cost-sharing, non-profit basis, prorated on an equitable basis among all parties being supplied with program material. Informal requests to provide the additional service to

cable television or CARS stations as discussed above may be made by letter addressed to the Federal Communications Commission with a copy of the contract attached. Records showing the cost of the service and its non-profit, cost-sharing nature shall be maintained by the television auxiliary licensee and held available for inspection by the Commission.

5. In § 74.632, paragraph (e) is amended to read as follows:

§ 74.632 Licensing requirements.

* * * * *

(e) A license for a television translator relay station will be issued only to the licensee of a television broadcast translator station. The application for construction permit shall designate the television broadcast station to be relayed, the source of the television broadcast station's signals, and the television broadcast translator station with which it is to be operated. *However,* a television translator relay station license may be issued to a cooperative enterprise wholly owned by licensees of television broadcast translators or licensees of television broadcast translators and cable television owners or operators upon a showing that the applicant is qualified under the Communication Act of 1934, as amended.

* * * * *

C. Part 78 is amended as follows:

1. In § 78.11 paragraph (a) is amended to read as follows:

§ 78.11 Permissible service.

* * * * *

(a) CARS stations are authorized to relay television broadcast and related audio signals, the signals of AM and FM broadcast stations, signals of instructional television fixed stations, and cablecasting intended for use by one or more cable television system. LDS stations are authorized to relay television broadcast and related audio signals, the signals of AM and FM broadcast stations signals of instructional television fixed stations, cablecasting, and such other communications as may be authorized by the Commission. Relaying includes retransmission of signals by intermediate relay stations in the system. CARS licensees may interconnect their facilities with those of other CARS, common carrier, or television auxiliary licensees, and may also retransmit the signals of such CARS, common carrier, or television auxiliary stations, provided that the program material retransmitted meets the requirements of this paragraph.

* * * * *

2. In § 78.18, paragraphs (a), (a)(1), (a)(2), (a)(4), (b), and (d) are amended and a new paragraph (m) is added. Also, paragraphs (a)(3), (a)(3)(i), and (a)(3)(ii) and (a)(3)(iii) are deleted and paragraph (a)(4) is redesignated as (a)(3). These changes are as follows:

§ 78.18 Frequency assignments.

(a) The Cable Television Relay Service is assigned the band of frequencies from 12.70 to 13.20 GHz. This band is shared with the Fixed-Satellite Service (earth-to-space) from 12.70 to 12.75 GHz and Television Auxiliary Broadcast Stations from 12.70 to 13.20 GHz. The following channels may be assigned to CARS stations for the propagation of radio waves with the indicated polarization:

(1) For CARS stations using FM transmission:

Group A Channels

Designation:	Channel boundanes (GHz)
A01 [1]	12.700–12.725
A02 [1]	12.725–12.750
A03 [1]	12.750–12.775
A04 [1]	12.775–12.800
A05 [1]	12.800–12.825
A06 [1]	12.825–12.850
A07 [1]	12.850–12.875
A08 [1]	12.875–12.900
A09 [1]	12.900–12.925
A10 [1]	12.925–12.950
A11 [1]	12.950–12.975
A12 [1]	12.975–13.000
A13 [1]	13.000–13.025
A14 [1]	13.025–13.050
A15 [1]	13.050–13.075
A16 [1]	13.075–13.100
A17 [1]	13.100–13.125
A18 [1]	13.125–13.150
A19 [1]	[2]13.150–13.175
A20 [1]	[2]13.170–13.200

Group B Channels

Designation:	Channel boundanés (GHz)
B01 [1]	12.7125–12.7375
B02 [1]	12.7375–12.7625
B03 [1]	12.7625–12.7875
B04 [1]	12.7875–12.8125
B05 [1]	12.8125–12.8375
B06 [1]	12.8375–12.8625
B07 [1]	12.8625–12.8875
B08 [1]	12.8875–12.9125
B09 [1]	12.9125–12.9375
B10 [1]	12.9375–12.9625
B11 [1]	12.9625–13.9875
B12 [1]	13.9875–13.0125
B13 [1]	13.0125–13.0375
B14 [1]	13.0375–13.0625
B15 [1]	13.0625–13.0875
B16 [1]	13.0875–13.1125
B17 [1]	13.1125–13.1375
B18 [1]	[2]13.1375–13.1625
B19 [1]	[2]13.1625–13.1875

[1] Appropriate polarization designation:
H=Horizontally polarized propagated radio wave.
V=Vertically polarized propagated radio wave.
R=Right-handed (clockwise) elliptically polarized propagated radio wave.
L=Left-handed (counter-clockwise) elliptically polarized propagated radio wave.
[2] See paragraph m of this section.

NOTE.—Polarization designations shall be in accordance with IEEE standard 100–1972 as amended.

(2) CARS stations using vestigal sideband AM transmission and FM transmission requiring a necessary bandwidth of no more than 6 MHz.

Group C Channels

Designation:	Channel boundaries (GHz)
C01 [1]	12.7005–12.7065
C02 [1]	12.7065–12.7125
C03 [1]	12.7125–12.7185
C04 [1]	[2]12.7185–12.7225
C05 [1]	12.7225–12.7285
C06 [1]	12.7285–12.7345
C07 [1]	12.7345–12.7405
C08 [1]	12.7405–12.7465
C09 [1]	12.7465–12.7525
C10 [1]	[2]12.7525–12.7545

Group C Channels—Continued

	Channel boundaries
C11 [1]	12.7545–12.7605
C12 [1]	12.7605–12.7665
C13 [1]	12.7665–12.7725
C14 [1]	12.7725–12.7785
C15 [1]	12.7785–12.7845
C16 [1]	12.7845–12.7905
C17 [1]	12.7905–12.7965
C18 [1]	12.7965–12.8025
C19 [1]	12.8025–12.8085
C20 [1]	12.8085–12.8145
C21 [1]	12.8145–12.8205
C22 [1]	12.8205–12.8265
C23 [1]	12.8265–12.8325
C24 [1]	12.8325–12.8385
C25 [1]	12.8385–12.8445
C26 [1]	12.8445–12.8505
C27 [1]	12.8505–12.8565
C28 [1]	12.8565–12.8625
C29 [1]	12.8625–12.8685
C30 [1]	12.8685–12.8745
C31 [1]	12.8745–12.8805
C32 [1]	12.8805–12.8865
C33 [1]	12.8865–12.8925
C34 [1]	12.8925–12.8985
C35 [1]	12.8985–12.9045
C36 [1]	12.9045–12.9105
C37 [1]	12.9105–12.9165
C38 [1]	12.9165–12.9225
C39 [1]	12.9225–12.9285
C40 [1]	12.9285–12.9345
C41 [1]	12.9345–12.9405
C42 [1]	12.9405–12.9465

Group D Channels

Designation:	Channel boundaries (GHz)
D01 [1]	12.7597–12.7657
D02 [1]	12.7657–12.7717
D03 [1]	12.7717–12.7777
D04 [1]	[2]12.7777–12.7817
D05 [1]	12.7817–12.7877
D06 [1]	12.7877–12.7937
D07 [1]	12.7937–12.7997
D08 [1]	12.7997–12.8057
D09 [1]	12.8057–12.8117
D10 [1]	[2]12.8117–12.8137
D11 [1]	12.8137–12.8197
D12 [1]	12.8197–12.8257
D13 [1]	12.8257–12.8317
D14 [1]	12.8317–12.8377
D15 [1]	12.8377–12.8437
D16 [1]	12.8437–12.8497
D17 [1]	12.8497–12.8557
D18 [1]	12.8557–12.8617
D19 [1]	12.8617–12.8677
D20 [1]	12.8677–12.8737
D21 [1]	12.8737–12.8797
D22 [1]	12.8797–12.8857
D23 [1]	12.8857–12.8917
D24 [1]	12.8917–12.8977
D25 [1]	12.8977–12.9037
D26 [1]	12.9037–12.9097
D27 [1]	12.9097–12.9157
D28 [1]	12.9157–12.9217
D29 [1]	12.9217–12.9277
D30 [1]	12.9277–12.9337
D31 [1]	12.9337–12.9397
D32 [1]	12.9397–12.9457
D33 [1]	12.9457–12.9517
D34 [1]	12.9517–12.9577
D35 [1]	12.9577–12.9637
D36 [1]	12.9637–12.9697
D37 [1]	12.9697–12.9757
D38 [1]	12.9757–12.9817
D39 [1]	12.9817–12.9877
D40 [1]	12.9877–12.9937
D41 [1]	12.9937–12.9997
D42 [1]	12.9997–13.0057

Group E Channels

Designation:	Channel boundaries (GHz)
E01 [1]	12.9525–12.9585
E02 [1]	12.9585–12.9645
E03 [1]	12.9645–12.9705
E04 [1]	[2]12.9705–12.9745
E05 [1]	12.9745–12.9805
E06 [1]	12.9805–12.9865
E07 [1]	12.9865–12.9925

Group E Channels—Continued

	Channel boundaries
E08[1]	12.9925–12.9985
E09[1]	12.9985–13.0045
E10[1]	[2]13.0045–13.0065
E11[1]	13.0065–13.0125
E12[1]	13.0125–13.0185
E13[1]	13.0185–13.0245
E14[1]	13.0245–13.0305
E15[1]	13.0305–13.0365
E16[1]	13.0365–13.0425
E17[1]	13.0425–13.0485
E18[1]	13.0485–13.0545
E19[1]	13.0545–13.0605
E20[1]	13.0605–13.0665
E21[1]	13.0665–13.0725
E22[1]	13.0725–13.0785
E23[1]	13.0785–13.0845
E24[1]	13.0845–13.0905
E25[1]	13.0905–13.0965
E26[1]	13.0965–13.1025
E27[1]	13.1025–13.1085
E28[1]	13.1085–13.1145
E29[1]	13.1145–13.1205
E30[1]	13.1205–13.1265
E31[1]	13.1265–13.1325
E32[1]	13.1325–13.1385
E33[1]	13.1385–13.1445
E34[1]	[3]13.1445–13.1505
E35[1]	[3]13.1505–13.1565
E36[1]	[3]13.1565–13.1625
E37[1]	[3]13.1625–13.1685
E38[1]	[3]13.1685–13.1745
E39[1]	[3]13.1745–13.1805
E40[1]	[3]13.1805–13.1865
E41[1]	[3]13.1865–13.1925
E42[1]	[3]13.1925–13.1985

Group F Channels

Designation:	Channel boundaries (GHz)
F01[1]	13.0125–13.0185
F02[1]	13.0185–13.0245
F03[1]	13.0245–13.0305
F04[1]	[2]13.0305–13.0345
F05[1]	13.0345–13.0405
F06[1]	13.0405–13.0465
F07[1]	13.0465–13.0525
F08[1]	13.0525–13.0585
F09[1]	13.0585–13.0645
F10[1]	[2]13.0665–13.0725
F11[1][2]	13.0645–13.0665
F12[1]	13.0725–13.0785
F13[1]	13.0785–13.0845
F14[1]	13.0845–13.0905
F15[1]	13.0905–13.0965
F16[1]	13.0965–13.1025
F17[1]	13.1025–13.1085
F18[1]	13.1085–13.1145
F19[1]	13.1145–13.1205
F20[1]	13.1205–13.1265
F21[1]	13.1265–13.1325
F22[1]	13.1325–13.1385
F23[1]	13.1385–13.1445
F24[1]	[3]13.1445–13.1505
F25[1]	[3]13.1505–13.1565
F26[1]	[3]13.1565–13.1625
F27[1]	[3]13.1625–13.1685
F28[1]	[3]13.1685–13.1745
F29[1]	[3]13.1745–13.1805
F30[1]	[3]13.1805–13.1865
F31[1]	[3]13.1865–13.1925
F32[1]	[3]13.1925–13.1985

[1] See paragraph (a)(1) of this section.
[2] For transmission of pilot subcarriers or other authorized narrow band signals.
[3] See paragraph m of this section.

(3) For CARS stations using AM and FM transmission requiring a necessary bandwidth of no more than 12.5 MHz.

Group K Channel

Designation:	Channel boundaries (GHz)
K01[1]	12.7000–12.7125
K02[1]	12.7125–12.7250
K03[1]	12.7250–12.7375
K04[1]	12.7375–12.7500
K05[1]	12.7500–12.7625

Group K Channel—Continued

	Channel boundaries
K06[1]	12.7625–12.7750
K07[1]	12.7750–12.7875
K08[1]	12.7875–12.8000
K09[1]	12.8000–12.8125
K10[1]	12.8125–12.8250
K11[1]	12.8250–12.8375
K12[1]	12.8375–12.8500
K13[1]	12.8500–12.8625
K14[1]	12.8625–12.8750
K15[1]	12.8750–12.8875
K16[1]	12.8875–12.9000
K17[1]	12.9000–12.9125
K18[1]	12.9125–12.9250
K19[1]	12.9250–12.9375
K20[1]	12.9375–12.9500
K21[1]	12.9500–12.9625
K22[1]	12.9625–12.9750
K23[1]	12.9750–12.9875
K24[1]	12.9875–13.0000
K25[1]	13.0000–13.0125
K26[1]	13.0125–13.0250
K27[1]	13.0250–13.0375
K28[1]	13.0375–13.0500
K29[1]	13.0500–13.0625
K30[1]	13.0625–13.0750
K31[1]	13.0750–13.0875
K32[1]	13.0875–13.1000
K33[1]	13.1000–13.1125
K34[1]	13.1125–13.1250
K35[1]	13.1250–13.1375
K36[1]	13.1375–13.1500
K37[1][2]	13.1500–13.1625
K38[1][2]	13.1625–13.1750
K39[1][2]	13.1750–13.1875
K40[1][2]	13.1875–13.2000

[1] See paragraph (a)(1) of this section.
[2] See paragraph m of this section.

(b) Television Auxiliary Broadcast Service stations may be assigned channels in the band 12.70–13.20 GHz subject to the condition that no harmful interference is caused to fixed CARS stations authorized at the time of such grants. Translator Relay stations are assigned on a secondary basis. New CARS stations shall not cause harmful interference to television STL and intercity relay stations authorized at the time of such grants. Television pickup stations and CARS pickup stations will be assigned channels in the band on a co-equal basis subject to the conditions that they accept interference from and cause no interference to existing or subsequently authorized television STL, television intercity relay, or fixed CARS stations. Channels in the 13.150–13.200 GHz band will be assigned exclusively to television pickup and CARS pickup stations on a co-equal basis. A cable television system operator will normally be limited in any one area to the assignment of not more than three channels for CARS pickup use: *Provided, however,* That additional channels may be assigned upon a satisfactory showing that additional channels are necessary and are available.

* * * * *

(d) For CARS Fixed stations using FM transmission with an authorized bandwidth per channel of 25 MHz, to conserve spectrum applicants are encouraged to use alternate A and B channels such that adjacent R.F. carriers are spaced 12.5 MHz. As example, a fixed station in the CARS, relaying several channels, would use A01, B01, A02, B02, A03, etc.

* * * * *

(m) The band 13.15–13.20 GHz is reserved exclusively for the assignment of CARS Pickup and Television Pickup stations on a co-equal basis within a 50 km radius of each of the 100 television markets delineated in Section 76.51. Fixed Television Auxiliary stations licensed pursuant to applications accepted for filing before September 1, 1979, may continue operation on channels in the 13.15–13.20 GHz band, subject to periodic license renewals.

* * * * *

3. In § 78.101 paragraph (a) is amended to read as follows:

§ 78.101 Power limitations.

(a) Transmitter peak output power shall not be greater than necessary, and in any event, shall not exceed 5 watts on any channel.

* * * * *

[FR Doc. 79-17403 Filed 6-5-79; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 83

[Gen. Docket No. 78-310]

Designating a Second Frequency for Bridge-to-Bridge Operations in the Southern Louisiana Section of the Mississippi River System; Correction

AGENCY: Federal Communications Commission.

ACTION: Change in effective date.

SUMMARY: The rules were recently amended with an effective date of June 18, 1979, to designate a second frequency, 156.375 MHz for bridge-to-bridge operations in the southern Louisiana section of the Mississippi River System. This appeared in the Federal Register of May 18, 1979 (44 FR 29073). The effective date is amended to allow additional time for compliance.

EFFECTIVE DATE: August 15, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION: Amendment of Part 83 of the Commission's Rules to designate a second frequency for bridge-to-bridge operations in the southern Louisiana section of the Mississippi River System,

Gen Docket No. 78-310, 44 FR 29073. May 18, 1979.

Released: May 30, 1979.

The Report and Order in this matter (adopted May 1, 1979; Released May 15. 1979; FCC 79-275) contained an error in the effective date. Paragraph 17 is amended as follows:

"17. Accordingly, it is ordered, That. pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and Section 8(a) of the Vessel Bridge-to-Bridge Radiotelephone Act, the Commission's rules are amended as set forth in the attached Appendix, effective August 15, 1979."

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-17492 Filed 6-5-79; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. No. 2 to Service Order No. 1337]

Western Maryland Railway Co. Authorized To Operate Over Tracks of the Baltimore & Ohio Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Amendment No. 2 to Service Order No. 1337.

SUMMARY: Service Order No. 1337 authorizes Western Maryland to operate over tracks of The Baltimore and Ohio Railroad Company between Westport, Maryland, and Sparrows Point, Maryland, in order to expedite train movement.

DATES: *Effective 11:59 p.m., May 31, 1979, and continuing in effect until further order of this Commission.*

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Decided: May 30, 1979.

Upon further consideration of Service Order No. 1337 (43 FR 41403 and 44 FR 6730), and good cause appearing therefor:

It is ordered: § 1033.1337 *Western Maryland Railway Company authorized to operate over tracks of the Baltimore and Ohio Railroad Company,* Service Order No. 1337 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31. 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-17600 Filed 6-5-79; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub-No. 35)]

Transportation of Household Goods (Determination of Weights)

AGENCY: Interstate Commerce Commission.

ACTION: Final Rules.

SUMMARY: The Interstate Commerce Commission is modifying its regulations governing the weighing of household goods shipments to provide that tare vehicle weights may be obtained without the fuel tanks on the vehicle being full when no fuel is available at the time and location of the tare weighing. This action is being taken in response to reports that carriers are encountering increasing difficulty in obtaining fuel at the time and place of each tare weighing.

EFFECTIVE DATE: June 6, 1979.

FOR FURTHER INFORMATION CONTACT: Joel E. Burns (202) 275-7849.

SUPPLEMENTARY INFORMATION: The Commission's regulations governing the weighing of shipments (49 CFR 1056.6(a)) now specify that the tare (empty) weight of a vehicle on which a shipment of household goods is to be loaded must be determined by weighing the vehicle with the fuel tanks on the vehicle full. Information coming to the Commission indicates that carriers are having increasing difficulties in different parts of the country obtaining fuel at the time and place of the tare weighing as presently required by existing regulations. There is reason to believe that this situation may become acute during the coming summer months when an increased number of shipments will be loaded on weekends, holidays and during the nighttime hours.

To relieve carriers from the adverse effect of this requirement, the Commission is amending § 1056.6(a)(1) to amend the requirement that fuel tanks be full at the time of the tare weighing. To protect the consumer from weight misrepresentation, the Commission is adding to the section a requirement that no fuel be added to the vehicle fuel tanks between the time of the tare weighing and the time of the gross weighing when the fuel tanks are not completely filled prior to the tare weighing.

The regulations now require that the gross weighing be obtained at the certified scale nearest to the point of origin of the shipment. Considering this, it appears reasonable to expect that the vehicle, when weighed empty to obtain the tare weights, should have sufficient fuel in its fuel tanks to allow operation from the point of the tare weighing to the point of the loading of the shipment and from there to the nearest certified scale to obtain the gross weight without the necessity of additional fuel enroute.

We find that the exigencies of the situation justify the enactment of the final rules without the usual notice and period for public comment. To wait for public comment while requiring carriers to expend fuel seeking additional fuel solely to comply with the present requirements is inconsistent and would be contrary to the public interest.

This action is taken under the authority of 49 USC 10321(a) of the Interstate Commerce Act and provisions of 5 USC § 552, 553 and 559 (the Administrative Procedure Act).

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Accordingly, It is Ordered that Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations is amended as set forth below.

§ 1056.6 [Amended]

(1) Section 1056.6(a)(1) is amended by adding at the end of the sub-section the sentence.

"In the event no fuel in available at the point of the tare weighing, the tare weight may be obtained without the fuel tanks being full providing no fuel is

added to the vehicle tanks between the tare and gross weighings."

§ 1056.11 [Amended]

(2) Section 1056.11 is amended by deleting the words "full tanks and" from the first sentence contained in the Driver's Weight Certificate set forth in the Section.

Dated: May 16, 1979.

By the Commission: Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-17601 Filed 6-5-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 263

U.S. General Standards for Fish Fillets

AGENCY: National Oceanic and Atmospheric Administration, National Marine Fisheries Service, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule establishes quality standards for grades of fish fillets. The standards for grades of fish fillets are divided into three categories, U.S. Grades A, B, and C. Issuance of these general standards will facilitate trade in fish fillets of all commercial species (not just those currently covered by specific standards) and, will allow consumers to purchase fish fillets of many commercially available species on the basis of identified quality.

EFFECTIVE DATE: July 23, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Brooker, Seafood Quality and Inspection Division, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634-7458.

SUPPLEMENTARY INFORMATION: On January 25, 1977, the National Marine Fisheries Service (NMFS) proposed a new Subpart A to Part 263 (42 FR 4468). This new subpart sets quality standards for grades of fresh or frozen fish fillets of any commercial marine or freshwater species except those fillets already covered by specific U.S. Standards for Grades which are as follows:

Subpart B—U.S. Standards for Grades of Cod Fillets

Subpart C—U.S. Standards for Grades of Flounder and Sole Fillets

Subpart D—U.S. Standards for Grades of Haddock Fillets

Subpart E—U.S. Standards for Grades of Ocean Perch and Pacific Ocean Perch Fillets 1

These new standards will enable fillets to be systematically identified on the basis of quality.

Interested persons were invited to comment on this new Subpart A to Part 263, and five comments were received. Three comments were from individuals approving the concept of issuing general standards for grades of fish fillets. The remaining two comments were from a consumer organization and a trade association. They, too, supported the concept of issuing general standards, but each comment raised questions and made suggestions regarding specific sections of the proposed rule.

Comments and Modifications in Proposal

The comments received by this agency and the agency's reasons for accepting or rejecting the comments are discussed below.

1. *Bones in Fillets*

One consumer's organization commented that the definition of "fillet" in § 263.101 and the grade determination in § 263.104 are misleading in that consumers understand "fillets" to be completely deboned. The provision for "boneless fillets" in § 263.104 thus appeared redundant.

One industry trade association commented that the term "boneless" has not appeared in any previous U.S. Standards for Grades which describe fish fillets, and that a clear definition of "boneless" has not been given in the present proposed standard.

The present definition of "fillet" in § 263.101 is derived from a definition which appears in several recommended international standards for frozen fish fillets developed by the Codex Alimentarius Commission. The definition does not imply that fillets are completely boneless. Fillets are normally deboned to the extent possible during commercial processing. For practical purposes, it is extremely difficult to remove all bones all of the time. Therefore, these standards allow tolerances for certain types of bones in the final product as a criterion of the quality of the product.

Another commenter stated the bone content criteria for this standard should not be more restrictive than that of bone content criteria for fish blocks made from fillets and pieces of fillets.

The National Marine Fisheries Service is considering a revision of the U.S. Standards for Grades of Frozen Fish Blocks and agrees in principle that there is a need to relate the definition, criteria, and tolerances for bones in fillets, with bones in fish blocks. One consideration is to use the fillet standards in Part 263 to describe the fillets used to make fish blocks instead of repeating this description in Part 264. Development of a General Standards for grades of Fish fillets (Part 263, subpart A) makes this a feasible consideration.

2. *Extraneous Matter*

One commenter stated § 263.104(e)(3)(c), defining extraneous matter should be amended to include anasakid cysts and should provide for examination of the product samples for these cysts.

The National Marine Fisheries Service provides industry and inspectors with advisory codes of practice for fresh fish which recommends that fillets of certain species known to contain cysts and parasites be examined to permit their detection and removal. Further, fillets containing cysts and parasites are considered by the Food and Drug Administration (FDA) to be adulterated, and therefore are subject to regulations under the Food, Drug, and Cosmetic Act. Because of the existing FDA and NMFS programs, no provision is made to include anasakid cysts within the definition of extraneous matter.

3. *Determination of Flavor and Odor*

One commenter stated that the provision in § 263.104(c), Evaluation of Flavor and Odor, which reads "Evaluation of flavor and odor on each of the sample units shall be carried out only by those trained to do so" is insufficient and should be considered merely a threshold requirement for determination of adequate flavor and odor. The commenter stated that the standard also should contain guidelines for judging flavor and odor.

Subjective sensory evaluation for flavor and odor by trained inspectors is used extensively by food regulation and control agencies. NMFS plans to continue using such sensory evaluation techniques by experienced inspectors in applying these and other standards for grades until such time as more objective and reliable methods are developed for measuring flavor and odor of fishery products.

Dated: May 29, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

In consideration of the comments received and pursuant to the authority

contained in 7 U.S.C. 1621–1630, 50 CFR Part 263, is amended by adding a new subpart A as follows:

PART 263—U.S. STANDARDS FOR GRADES OF FISH FILLETS

Subpart A—U.S. General Standards for Grades of Fish Fillets

Sec.

Subpart A—U.S. General Standards for Grades of Fish Fillets

§ 263.101 Scope and product description.

(a) This standard shall apply to fresh or frozen fillets of fish of any species that are suitable for use as human food and processed and maintained in accordance with good manufacturing procedures. It does not apply to products covered by Subparts B, C, D, and E of Part 263.

(b) Fillets are slices of practically boneless fish flesh of irregular size and shape, which are removed from the carcass by cuts made parallel to the backbone and sections of such fillets cut so as to facilitate packing.

§ 263.102 Product forms.

(a) *Types:* (1) Fresh.

(2) Frozen individually (IQF); glazed or unglazed.

(3) Frozen solid packs; glazed or unglazed.

(b) *Styles:* (1) Single.

(i) Skin-on.

(ii) Skin-on scaled.

(iii) Skin-on (white side only) (applies only to flatfish).

(iv) Skin-off (skinless).

(2) Butterfly.

§ 263.103 Grades.

(a) U.S. Grade A. Fish fillets shall:

(1) Possess good flavor and odor characteristic of the species; and

(2) Comply with the limits for defects for U.S. Grade A quality as outlined in § 263.104.

(b) U.S. Grade B. Fish fillets shall:

(1) Possess reasonably good flavor and odor characteristic of the species; and

(2) Comply with the limits for defects for U.S. Grade B quality in accordance with § 263.104.

(c) U.S. Grade C. Fish fillets shall:

(1) Possess minimal acceptable flavor and odor characteristic of the species with no objectionable off-flavors or off-odors; and

(2) Comply with the limits for defects for U.S. Grade C quality in accordance with § 263.104.

(d) "Substandard" Fish fillets shall:

(1) Possess minimal acceptable flavor and odor characteristics of the species with no objectionable off-flavors or off-odors; and

(2) Fail to meet the limits for physical defects for U.S. Grade C quality given under § 263.104, paragraphs (d), (e), and (f).

§ 263.104 Grade determination.

(a) *Procedures for grade determination:* The grade shall be determined by evaluating the product in the frozen, and/or thawed, and cooked states. Each defect is classified as to its relative severity as minor, major, or serious in accordance with paragraphs (d), (e), and (f) of this section. Odor and flavor are evaluated in accordance with paragraph (c) of this section. Tolerances for the various defects are set for each grade classification according to group species.

(b) *Sampling.* Sampling is to be done in accordance with the Regulations Governing Processed Fishery Products, Title 50, Chapter II, Subchapter G, Part 260.61, Tables II, V, or VI, where applicable. The sample unit shall be the container and its entire contents for containers up to 10 pounds. A representative 3 pound sample unit for containers over 10 pounds shall be used.

(c) *Evaluation of flavor and odor.* (1) Evaluation of flavor and odor on each of the sample units shall be carried out only by those trained to do so. For evaluation of the odor of raw fillets, the thawed fillets should be broken and the broken flesh held close to the nose immediately to detect off-odor.

(2) If raw odor evaluation indicates any noncharacteristic and/or off-odors, the sample unit or parts thereof shall be cooked by any of the following methods for verification of results of raw odor evaluation:

(i) Baked method. Package the product in aluminum foil. Place the packaged product on a flat cookie sheet or shallow flat-bottom pan of sufficient size so that the packages can be evenly spread on the sheet or pan. Place the pan and frozen contents in a properly ventilated oven preheated to 400° F until the internal temperature of the product reaches 160° F.

(ii) Boil in bag method. Insert the thawed unseasoned sample into a boilable film-type pouch. Fold open end of the pouch over a suspension bar. Clamp in place to provide a loose seal after evacuating the air by immersing the pouch into boiling water. Cook the contents until the internal temperature of the product reaches 160°F.

(iii) Steam method. Wrap the sample in a single layer of aluminum foil and place on a wire rack suspended over boiling water in a covered container. Steam the packaged product until the internal temperature of the product reaches 160°F.

(d) *Examination for physical defects:* Each sample unit shall be examined for defects using the list of defect definitions that follow. Defects will be categorized as minor, major, and serious according to Table 1 of this standard.

(e) *Definition of defects in fillets:* (1) "Abnormal condition" means that the normal physical and/or chemical structure of the fish flesh has been sufficiently changed so that the usability and/or desirability of the flesh is adversely affected. It includes but is not limited to the following:

(i) Jellied—refers to the abnormal condition wherein a fish fillet is partly or wholly characterized by a gelatinous, glossy, translucent appearance.

(ii) Milky—refers to the abnormal condition wherein a fish fillet is partly or wholly characterized by a milky-white, excessively mushy, pasty, or fluidized appearance.

(iii) Chalky—refers to an abnormal condition wherein a fish fillet is partly or wholly characterized by a dry, chalky, granular appearance, and fiberless structure.

The intensity of abnormal conditions is defined as follows:

(A) Moderate—refers to a condition that is distinctly noticeable but does not seriously affect the appearance, desirability, and/or the eating quality of the product.

(B) Excessive—refers to a condition which is both distinctly noticeable and seriously objectionable.

(2) Appearance defect—refers to the color of the fish flesh and to the degree of surface dehydration of the product.

(i) Color defect—refers to any readily discernable abnormal coloration including bruises, blood spots, browning, yellowing, and melanin spotting. Each square inch (6.5 cm^2) of affected area is counted as one instance as determined by a transparent grid of 1 inch squares.

The extent of appearance defects is defined as follows:

(A) Slight—2–4 instances.

(B) Moderate—5–6 instances.

(C) Excessive—over 6 instances.

(ii) Dehydration—refers to loss of moisture from fish fillet surfaces during frozen storage.

(A) Slight dehydration—is surface color masking affecting more than 5

percent of surface area which can be readily removed by scraping with a blunt instrument.

(B) Moderate dehydration—is deep color masking penetrating the flesh affecting less than 5 percent, but more than 1 percent of surface area and requiring a knife or other sharp instrument to remove.

(C) Excessive dehydration—is deep color masking penetrating the flesh affecting more than 5 percent of surface area and requiring a knife or other sharp instrument to remove.

(3) Workmanship defects refer to:

(i) Cutting and trimming imperfections, ragged edges, holes, tears, and improper or misplaced cuts. Each square inch (6.5 cm^2) of affected area is counted as one instance whether it is full or fractional. "Ragged edges" refers to the irregular or shredded appearance of the fillet edge.

(ii) Scales, fins, or pieces of fins or extraneous material.

(A) Scales (skin-off) scaled fillets—An occurrence of attached or loose scales in any sample unit up to 1 square inch (6.5 cm^2) is counted as one instance. Each additional 1 square inch (6.5 cm^2) is an additional instance.

(B) Fins—Any fin or parts of any fin up to 1 square inch (6.5 cm^2) in area shall be considered one instance of fin.

(C) Extraneous material means any piece of foreign matter on the fillet or elsewhere in the package. Each occurrence is considered one instance.

The extent of workmanship defects is defined as follows:

Slight degree—1–2 instances.
Moderate degree—3–4 instances.
Excessive degree—over 4 instances.

(4) Bone—refers to a bone, or piece of bone, that exceeds either the dimension 15 mm in length or 0.355 mm in diameter. Each area of one inch square (6.5 cm^2) which contains a bone or a cluster of bones shall be regarded as one instance of bones. The amount of bones is defined as follows:

Slight—1 instance.
Moderate—2–4 instances.
Excessive—over 4 instances.

(5) Skin—includes exterior skin and black membrane (belly lining).

(i) For skinless fillets, each piece of skin up to 1 square inch (6.5 cm^2) and every additional complete 1 square inch (6.5 cm^2) thereafter shall be considered an instance.

(ii) In the case of skin-on or skinless fillets, each piece of black membrane (belly lining) up to 1 square inch (6.5 cm^2) thereafter shall be considered an instance.

The amount of skin is defined as follows:

Slight degree—1 instance.
Moderate degree—2–4 instances.
Excessive degree—over 4 instances.

(6) Size of fillets—refers to the freedom from undesirably small pieces of fillets. Undesirably small shall mean any piece of fillet weighing less than 1 ounce (30 grams) per container. Moderate degree—2 pieces. Excessive—over 2 pieces.

(7) "Texture defects"—refers to the texture of the cooked fish being not characteristic of the species.

(i) Slight—fairly firm, does not form a fibrous mass in the mouth, moist but not mushy.

(ii) Moderate—moderately tough or rubbery, has noticeable tendency to form a fibrous mass in the mouth, moist but not mushy.

(iii) Excessive—excessively tough or rubbery, has marked tendency to form a fibrous mass in the mouth, or is very dry or very mushy.

(f) *Categorization of physical defects.* Instances shall be assessed on a per pound basis for physical defects, except for defects relating to abnormal conditions, texture, dehydration and sizes of fillets.

Table 1.—*Defect Table*

Defect description	Classification		
	Minor	Major	Serious
1. Abnormal Condition:			
Moderate		2	
Excessive			4
2. Appearance:			
(a) Color defects:			
Slight (2–4 instances)	1		
Moderate (5–6 instances)		2	
Excessive (over 6 instances)			4
(b) Dehydration:			
Slight (surface <5% of area)	1		
Moderate (deep 1 to 5% of area)		2	
Excessive (deep >5% of area)			4
3. Workmanship defects:			
(a) Cutting and trimming:			
Slight (1–2 instances)	1		
Moderate (2–4 instances)		2	
Excessive (over 4 instances)			2
(b) Scales, fins, extraneous material:			
Slight (1–2 instances)	1		
Moderate (3–4 instances)		2	
Excessive (over 4 instances)			2
4. Bones:			
Slight (1 instance)	1		
Moderate (2–4 instances)		2	
Excessive (over 4 instances)			4
5. Skin and Membrane:			
Slight (1 instance)	1		
Moderate (2–4 instances)		2	
Excessive (over 4 instances)			2
6. Size of Fillets:			
Moderate (2 instances)		2	
Excessive (over 4 instances)			2
7. Texture:			
Slight	1		
Moderate		2	
Excessive			4

Tolerances for Various Defects

Combined minor and major defects	Serious defects	Group species[1]
U.S. Grade A:		
Up to 4 points	None	Groundfish.
Up to 5 points	do	Flatfish.
Up to 6 points	do	All others.
U.S. Grade B:		
Up to 8 points	do	Groundfish.
Up to 10 points	do	Flatfish.
Up to 12 points	do	All others.
U.S. Grade C:		
Up to 10 points	Up to 5 points	Groundfish.
Up to 12 points	do	Flatfish.
Up to 14 points	do	All others.

[1] Groundfish (white fish) includes cusk, ocean catfish, pollock, hake, whiting, and ling. Flatfish includes Greenland turbot and halibut.

(g) *Grade Assignment:* Each sample unit will be assigned the grade into which it falls in accordance with the tolerance contained in Table 1 for Group Species. The grade to be assigned a lot is the grade indicated by the average of the total scores, provided the number of sample units in the next lower grade for both physical defects and flavor and odor does not exceed the acceptance number as indicated in the sampling plans contained in § 260.61.

[FR Doc. 79-17393 Filed 6-4-79; 8:45 am]
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50 CFR Part 264

U.S. Standards for Grades of Frozen Minced Fish Blocks

AGENCY: National Oceanic and Atmospheric Administration, National Marine Fisheries Service, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule establishes U.S. standards for grading Frozen Minced Fish Blocks. These standards are based upon recent recommendations and information submitted to the Department of Commerce. This rule will ensure users of the quality of minced fish blocks, thereby facilitating trade and expanding markets for products made from such blocks.

EFFECTIVE DATE: July 23, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Brooker, Seafood Quality and Inspection Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7458.

SUPPLEMENTARY INFORMATION: On Monday, July 31, 1978, the National Marine Fisheries Service (NMFS) proposed a new subpart B in 50 CFR Part 264 (43 FR 33270). The purpose of the proposed rulemaking was to set standards for frozen minced fish blocks. The purpose of these Standards is to set forth the technical requirements that identify minced fish blocks and their relative quality, utility and value. When used properly, they will contribute substantially to the protection of consumers, and allow industry to obtain high quality minced fish blocks for further manufacture into end products acceptable to consumers.

An invitation to comment upon the proposed standards was extended to interested persons. Such comments were to be submitted on or before October 30, 1978.

COMMENTS AND MODIFICATIONS IN PROPOSED RULE: The following comments were received:

One trade association representing the majority of U.S. seafood processors, wholesalers, and distributors submitted written comments relating to the physical defects (§ 264.154) and addressed the defects for "improper fill," "blemishes," and "bones." This commenter recommended changes which (1) improve the clarity and applicability of the defects for "improper fill" and "bones," and (2) increase the quality level of minced fish blocks by reducing the tolerance for "blemishes." The NMFS agrees with the suggested technical changes and has adopted them.

A general comment was made that these standards do not reflect minced fish blocks made from freshwater species and that perhaps such a limitation should be stated in the standards, with a notation that freshwater species could be added to this standard at a later date.

These standards include minced fish blocks made from freshwater species. The developmental research activities and technical seminars upon which these standards are based included freshwater as well as marine species. The sections "Scope and product description" (264.151) and "Product forms" (264.152) use the words "fish" and "species" which include both freshwater and marine species.

The U.S. Food and Drug Administration expressed concern about the possible use of species of fish that have been associated with public health hazards. NMFS agreed with the concern expressed and added an additional requirement to § 264.151 "Scope and Product Description" which requires that minced fish blocks be made only from species which are known to be safe and suitable for human consumption.

Dated: May 29, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Accordingly, 50 CFR Part 264 is amended to add a new subpart B as follows:

Subpart B—U.S. Standards for Grades of Frozen Minced Fish Blocks

Sec.

Authority: 7 U.S.C. 1621-1630.

Subpart B—U.S. Standards for Grades of Frozen Minced Fish Blocks

§ 264.151 Scope and product description.

These standards shall apply to frozen minced fish blocks which are uniformly shaped masses of cohering minced fish flesh. A block may contain flesh from a single species or a mixture of species with or without food additives. The minced flesh consists entirely of mechanically separated fish flesh processed and maintained in accordance with good commerical practice. This minced flesh is made entirely from species which are known to be safe and suitable for human consumption.

§ 264.152 Product forms.

(a) *Types.* (1) Unmodified—No food additives used.

(i) Single species.

(ii) Mixed species.

(2) Modified—Contains food additives (see section 264.155).

(i) Single species.

(ii) Mixed species.

(b) *Color classifications.* (1) White. (2) Light. (3) Dark. See appendix 1, section 264.157 for definition and method of measurement.

(c) *Texture.* (1) Coarse—Flesh has a fibrous consistency.

(2) Fine—Flesh has a partially fibrous consistency because it is a mixture of small fibers and paste.

(3) Paste/Puree—Flesh has no fibrous consistency.

§ 264.153 Grades—Quality factors.

(a) U.S. Grade A. Minced fish blocks shall:

(1) Possess good flavor and odor, and

(2) Comply with the limits of defects for U.S. Grade A quality in accordance with 264.154.

(b) U.S. Grade B. Minced fish blocks shall:

(1) Possess reasonably good flavor and odor, and

(2) Comply with the limits of defects for U.S. Grade B quality in accordance with 264.154.

(c) U.S. Grade C. Minced fish blocks shall:

(1) Possess minimally acceptable flavor and odor with no objectional off-flavors or off-odors, and

(2) Comply with the limits of defects for U.S. Grade C quality in accordance with 264.154.

§ 264.154 Determination of grade.

(a) *Procedures for grade determination.* The grade shall be determined by: (1) sampling in accordance with the sampling plan described in paragraph (b) of this section; (2) evaluating odor and flavor in accordance with paragraph (c) of this section; (3) examining for defects in accordance with paragraphs (d) and (e) of this section; and (4) using the results to assign a grade as described in paragraph (f) of this section.

(b) *Sampling.* The sampling rate of specific lots for all inspections shall be in accordance with the sampling plans contained in part 260 of this chapter. For examination in the frozen state, and entire block shall be used as a sample unit. For examination in the thawed state, a subsample of at least 5 pounds weight shall be used.

(c) *Evaluation of flavor and odor.* Evaluation of flavor and odor shall take place after the sample has been cooked by any of the procedures given below. These procedures are based on heating sample to internal temperature of at least 160° F (70° C), but without overcooking. Cooking times vary according to size of sample and the equipment used. If determining cooking time, cook extra sample using a temperature measuring device to determine internal temperature.

(1) Bake procedure—Wrap a minimum of 12 ounces of sample in aluminum foil and distribute evenly on flat cookie sheet or shallow flat pan. Heat in ventilated oven, preheated to 400° F (204° C), until internal temperature reaches at least 160° F (70° C).

(2) Steam procedure—Wrap a minimum of 12 ounces of sample in aluminum foil and place on wire rack suspended over boiling water in a covered container. Heat until internal temperature of sample reaches at least 160° F (70° C).

(d) *Examination for physical defects.* The sample unit will be examined for defects using the list of defects definitions 264.154(e), and the defects noted and categorized as minor, major, and serious, in accordance with Table 1 of this part.

(e) *Definitions of defects.*—(1) *Deteriorative color* refers to discoloration from the normal characteristics of the material used. Deterioration can be due to yellowing of fatty material, to browning of blood pigments, or other changes.

(i) Slight deteriorative discoloration—refers to a color defect that is slightly noticeable but does not seriously affect the appearance, desirability, or eating quality of the product.

(ii) Moderate deteriorative discoloration—refers to a color defect that is conspicuously noticeable but does not seriously affect the appearance, desirability, or eating quality of the product.

(iii) Excessive deteriorative discoloration—refers to a defect that is conspicuously noticeable and that seriously affects the appearance, desirability, or eating quality of the product.

(2) *Dehydration* refers to a loss of moisture from the surfaces of the product during frozen storage.

(i) Slight dehydration—is surface color masking, affecting more than 5 percent of the area, which can be readily removed by scraping with a blunt instrument.

(ii) Moderate dehydration—is deep color masking penetrating the flesh, affecting less than 5 percent of the area, and requiring a knife or other sharp instrument to remove.

(iii) Excessive dehydration—is deep color masking penetrating the flesh, affecting more than 5 percent of the area, and requiring a knife or other sharp instruments to remove.

(3) *Uniformity of size* refers to the degree of conformity to the declared contracted dimensions of the blocks. A deviation is considered to be any deviation from the contracted length, width, or thickness; or from the average dimensions of the blocks, physically determined, if no dimensions are contracted. Only one deviation from each dimension may be assessed. Two readings for length, three readings for width, and four readings for thickness will be measured.

(i) Slight—two or more deviations from declared or average length, width, and thickness up to ±⅛ inch.

(ii) Moderate—two or more deviations from declared or average length, width, and thickness from ±⅛ inch to ±⅜ inch.

(iii) Excessive—two or more deviations from declared or average length, width, and thickness over ±⅜ inch.

(4) *Uniformity of weight* refers to the degree of conformity to the declared weight. Only underweight deviations are assesssed.

(i) Slight—any minus deviation of not more than 2 ounces.

(ii) Excessive—any minus deviation over 2 ounces.

(5) *Angles.* (1) An acceptable edge angle is an angle formed by two adjoining surfaces of the fish block whose apex is within ⅜ inch of a carpenter's square placed along the surfaces of the block. For each edge angle, three readings will be made and at least two readings must be acceptable for the whole edge angle to be acceptable. (2) An acceptable corner angle is an angle formed by 3 adjoining surfaces whose apex is within ⅜ inch of the apex of a carpenter's square placed on the edge surfaces. (3) Any edge or corner angle which fails to meet these measurements is unacceptable.

(i) Slight—two unacceptable angles.

(ii) Moderate—three unacceptable angles.

(iii) Excessive—four or more unacceptable angles.

(6) *Improper fill* refers to surface and internal air or ice voids, ragged edges, or damage. Improper fill is measured as the minimum number of 1-ounce units that would be adversely affected when the block is cut. For this purpose, the dimensions of a 1-ounce unit are 4×1×⅝ inch.

(i) Slight—1 to 3 units adversely affected.

(ii) Excessive—over 3 units adversely affected.

(7) *Blemishes* refer to pieces of skin, scales, blood spots, nape (belly) membranes (regardless of color), or other harmless extraneous material. One instance means that the area occupied by a blemish or blemishes is equal to a ¼ inch square. Instances are prorated on a per pound basis.

(i) Slight—5 to 15 instances per pound.

(ii) Moderate—more than 15 but less than 30 instances per pound.

(iii) Excessive—30 or more instances per pound.

(8) *Bones* refer to any objectionable bone or piece of bone that is ¼ inch or longer and is sharp and rigid. Perceptible bones shall also be checked by their grittiness during the normal evaluation of the texture of the cooked product (10). Bones are prorated on a five pound sample unit basis.

(i) Slight—1 to 2 bones per five pound sample unit.

(ii) Moderate—3 to 4 bones per five pound sample unit.

(iii) Excessive—over 4 bones, but not to exceed 10 bones, per five pound sample unit.

(9) *Flavor and odor* are evaluated organoleptically by smelling and tasting the product after it has been cooked in accordance with 264.154. (c).

(i) Good flavor and odor (essential requirements for a Grade A product) means that the cooked product has the flavor and odor characteristic of the indicated species of fish and is free from staleness, bitterness, rancidity, and off-flavors and off-odors of any kind.

(ii) Reasonably good flavor and odor (minimum requirements of Grade B

product) means that the cooked product is moderately absent of flavor and odor characteristic of the indicated species. the product is free from rancidity, bitterness, staleness, and off-flavors and off-odors of any kind.

(iii) Minimal acceptable flavor and odor (minimum requirements of a Grade C product) means that the cooked product has moderate storage-induced flavor and odor, but is free from any objectionable off-flavors and off-odors that may be indicative of spoilage or decomposition.

(10) *Texture defects* are judged on a sample of the cooked fish.

(i) Slight—flesh is fairly firm, only slightly spongy or rubbery. It is not mushy. There is no grittiness due to bone fragments.

(ii) Moderate—flesh is mildly spongy or rubbery. Slight grittiness may be present due to bone fragments.

(iii) Excessive—flesh is definitely spongy, rubbery, very dry, or very mushy. Moderate grittiness may be present due to bone fragments.

(f) *Grade assignment.* The sample unit shall be assigned the grade into which it falls in accordance with the limits for defects, summarized as follows:

Flavor and odor		Maximum number of physical defects permitted		
		Minor	Major	Serious
Grade A	Good	3	0	0
Grade B	Reasonably good	5	1	0
Grade C	Minimal acceptable	7	3	1

Each lot of minced blocks shall be assigned that grade which corresponds to the acceptance number for deviants prescribed in Tables II, V, or VI of 50 CFR 260.61.

§ 264.155 Additives

Minced fish blocks may be modified with food additives as necessary to stabilize product quality in accordance with the requirements of the regulations contained in 21 CFR 171.

§ 264.156 Hygiene

The fish material shall be processed and maintained in accordance with the requirements of 50 CFR §§ 260.98 to 260.104 and the requirements of good manufacturing practice contained in 21 CFR 110.

Title 1

Physical defects		Categories		
Types	Degree	Minor	Major	Serious
Frozen State:				
Deteriorative color	Slight	101		
	Moderate		201	
	Excessive			301
Dehydration	Slight	102		
	Moderate		202	
	Excessive			302
Uniformity of size	Slight	103		
	Moderate		203	
	Excessive			303
Uniformity of weight	Slight	104		
	Excessive			304
Unacceptable angles	Slight	105		
	Moderate		205	
	Excessive			305
Improper fill	Slight	106		
	Excessive			306
Thawed State:				
Blemishes	Slight	107		
	Moderate		207	
	Excessive			307
Bones	Slight	108		
	Moderate		208	
	Excessive			308
Cooked State:				
Texture	Slight	109		
	Moderate		209	
	Excessive			309

NOTE.—The code numbers shown in the above Table are for identification of defects for recording purposes only. They are keyed to the nature and severity of the defect. They are not scores.

§ 264.157 Appendix 1. Definition and method of measuring color classifications.

264.157 Appendix 1. Definition and procedure of measuring color classifications cited in § 264.152(b). This appendix is intended for laboratory use to classify color when a field procedure is questioned.

introduction. The procedure described below is to be followed when a photoelectric or visual reflectometer is used. The light source and filters for a photoelectric or visual reflectometer are designed to view a sample primarily in the red region of the spectrum, at or near 640 nanometers. The geometry of its illumination and observation conditions provide directions approximately 45 degrees and 0 degrees from a common perpendicular. The viewing area is, preferably, approximately six square inches or 39 square centimeters. Reflectometers having much smaller viewing areas may be used if enough measurements are made on different areas of the sample to describe its average reflectance accurately. The receptor characteristics provide reflectance measurements that are accurate to within 1 percent of full-scale reading using Munsell neutral value standards as described below.

This description of a reflectometer is intended to avoid undue restrictions to equipment provided by one, or a very few, manufacturers. In the majority of situations, a variety of reflectometers will be suitable for color classification of samples from minced fish blocks. In the event of a borderline sample whose color classification is disputed, the sample is measured again using a different, more accurate, reflectometer. For example, if a visual reflectometer had been used to classify a disputed sample, a more accurate photoelectric reflectometer should be used for the remeasurement.

Sample preparation. The color of the sample must represent the average color of the block when it is cut from that block. At least one of its sides must be large enough and flat enough to completely cover the reflectometer's viewing area. The sample must be cooked from the frozen state by the

bake procedure or, if previously coated with batter and breading, by the deep fat frying procedure, 18.B01 in "Official Methods of Analysis" 2nd supplement to the 12th edition, of the Association of Official Analytical Chemists. If the sample is covered with batter and breading for cooking, this cover should be removed with a sharp serrated knife so that the viewing area surface remains flat. The cooked sample must also be thick enough to prevent transmission of external, ambient light into the viewing area of the reflectometer.

Measurement of color. The reflectometer itself is described above at "Introduction." It may be calibrated and used with neutral value standards furnished by the manufacturer of a reflectometer or with Munsell matte-finish neutral value standards. When other standards are used, they must have been calibrated against Munsell matte-finish neutral value standards using the same reflectometer. All standards must be large enough and thick enough to cover the reflectometer's viewing area and prevent transmission of external ambient light into this viewing area.

Munsell neutral value standards are based on the Munsell notation system as defined in terms of the CIE (International Commission on Illumination) standard observer and coordinate system for color specification. Chip or swatch samples of Munsell standards may be obtained from Munsell Color, Inc., Baltimore, Md. 21218, or made as given by the relationship between Munsell value and luminous reflectance derived by a subcommittee of the Optical Society of America and Published in the "Journal of the Optical Society of America," volume 33, page 406 (1943). This relationship is based on the equivalence in luminous reflectance of light of 555 nanometer wave length to a given percent of the luminous reflectance of magnesium oxide. For the Munsell values used in this section, this relationship has been extracted from page 406 of this reference and is given in the following table, where "N" is the Munsell value and "Yv" is the equivalent luminous reflectance of the stated percent of magnesium oxide:

N	Yv
N2.00	3.13
N6.00	30.05
N6.25	33.04
N6.50	36.20
N7.00	43.06
N7.25	46.77
N7.50	50.68
N9.00	78.66

Definition of "white" samples. Calibrate the reflectometer to 0-percent reflectance using a N2.0 standard, then to 90 percent using a N9.0 standard. Place a sample on the viewing area and measure its reflectance. Samples from "white" blocks have a relative reflectance greater than a N7.25 standard; but if a particular sample has a relative reflectance between N7.0 and N7.5 standards, its reflectance is measured again using an expanded scale before defining it as "white." Recalibrate the reflectometer using a N7.0 standard to set 0-percent reflectance and a N7.5 standard to set 100-percent reflectance on its scale. With these calibration settings, a "white" sample is defined as having a greater relative reflectance than a N7.25 standard.

Definition of "dark" samples. Calibrate the reflectometer to a 0-percent reflectance using a N2.0 standard, then to 90 percent reflectance using a N9.0 standard. Place a sample on the viewing area and measure its reflectance. Samples from "dark" blocks have a relative reflectance less than a N6.25 standard; but if a particular sample has a relative reflectance between N6.0 and N6.5 standards, its reflectance is measured again using an expanded scale before defining it as "dark." Recalibrate the reflectometer using a N6.0 standard to set 0-percent reflectance and a N6.5 standard to set 100-percent reflectance on its scale. With these calibration settings, a "dark" sample is defined as having a lower relative reflectance than a N6.25 standard.

Definition of "light" samples. If a sample does not satisfy the criteria given above for "white" or "dark" samples, it is classified as "light."

[FR Doc. 79-17537 Filed 6-5-79; 8:45 am]
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50 CFR Part 266

Frozen Fried Scallops; U.S. Standards for Grades

AGENCY: National Oceanic and Atmospheric Administration, National Marine Fisheries Service, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the U.S. Standards for Grades of Frozen Fried Scallops to include breaded scallops and to more accurately reflect current industry practices.

EFFECTIVE DATE: July 23, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Brooker, Seafood Quality and Inspection Division, F22, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7458.

SUPPLEMENTARY INFORMATION: On July 26, 1978, the National Marine Fisheries Service proposed amendments to Part 266, Subpart B of Title 50 CFR (43 FR 32318). These amendments modify U.S. standards for grades of frozen fried scallops. As modified, these standards provide for the grading of frozen raw breaded scallops as well as frozen fried scallops. The purpose of this rule is to include raw breaded scallops within the scope of the standards instead of limiting their applicability to frozen fried scallops and to permit these products to be produced from any of the regular commercial species.

Interested persons were given 60 days to submit comments or suggestions on the proposed rule. Three responses were received. Two of these comments were from trade associations, and the other was from a processor. These comments have been carefully reviewed by this agency.

Public Comments and Agency Responses

The following comments were received:

The three commenters agreed with the proposed amendments, with the exception of the percentage by weight of scallop meat required for both the frozen fried scallops and raw breaded scallops.

All of the commenters indicated that the requirements for sixty percent scallop meat in fried scallops and sixty-five percent scallop meat in breaded scallops do not conform with products currently being produced by industry. Two of the commenters recommended that the scallop meat content be set at 45 percent for both frozen fried scallops and breaded scallops. Additionally, all comments drew attention to the fact that moisture migrates during frozen storage from the scallop meat to the breading and beyond, and, therefore, a tolerance of 5 percent should be used in calculating the amount of scallop meat to compensate for the moisture migration.

No production data were furnished in support of the comment that 45 percent scallop meat in both types of products represents current industry production. Further, no data were furnished to support the need for an allowance factor of 5 percent to compensate for the migration of moisture from the scallop meat to the breading material.

The National Marine Fisheries Service is aware through its inspection service that the range of scallop meat in raw breaded scallops and fried scallops is

45–55 percent. Thus, a scallop meat content of 50 percent for both types of products is considered appropriate and reasonable in the interests of both the consumers and industry.

The National Marine Fisheries Service is aware that the Food and Drug Administration is considering a proposal to set standards for moisture loss or migration by commodity categories to replace that agency's current net weight requirements. In view of this anticipated regulatory action to set the percentage of moisture loss permitted on a commodity-by-commodity basis, or for entire categories of products if supported by adequate data, NMFS is not including an allowance factor for moisture migration in the quality standards for raw breaded scallops and fried scallops.

Dated: May 29, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Accordingly, 50 CFR Part 266 Subpart B is amended as follows:

1. In the Table of Contents amend § 266.153 to read "types" and add § 266.154 to read "Grades."

* * * * *

266.153 Types.
266.154 Grades.

* * * * *

2. Change title to Subpart B to read "U.S. Standards for Grades of Frozen Raw Breaded Scallops and Frozen Fried Scallops."

Subpart B—U.S. Standards for Grades of Frozen Raw Breaded Scallops and Frozen Fried Scallops

3. Revise § 266.151 to read:

§ 266.151 Product description.

(a) Frozen raw breaded scallops—Frozen raw breaded scallops are: (1) Prepared from wholesome, clean, adequately drained, whole or cut adductor muscles of the scallop of the regular commercial species, or scallop units cut from a block of frozen scallops that are coated with wholesome batter and breading; (2) packaged and frozen according to good commercial practice and maintained at temperatures necessary for preservation; and (3) composed of a minimum of 50 percent by weight of scallop meat.

(b) Frozen fried scallops—Frozen fried scallops are: (1) Prepared from wholesome, clean, adequately drained, whole or cut adductor muscles of the scallop of the regular commercial species, or scallop units cut from a block of frozen scallops that are coated with wholesome batter and breading; (2) precooked in oil or fat; (3) packaged and frozen according to good commercial practice and maintained at temperatures necessary for preservation; and (4) composed of a minimum of 50 percent by weight of scallop meat.

4. Redesignate § 266.153 as § 266.154, and add a new § 266.153 as follows:

§ 266.153 Types.

(a) *Type 1.* Adductor muscle.

(b) *Type 2.* Adductor muscle with catch (gristle or sweet meat) portion removed.

4a. The heading for newly redesignated § 266.154 is changed to read:

§ 266.154 Grades.

* * * * *

5. Section 266.166 is amended by revising the introductory language of paragraph (a) and paragraph (a)(3) as follows:

§ 266.166 [Amended]

5. Amend § 266.166 as follows:

(a) Workmanship defects refer to the degree of freedom from doubled and misshaped scallops and extraneous material. The defects of doubled and misshaped scallops are determined by examining the frozen product, while the defects of extraneous materials are determined by examining the product in the cooked state. Deduction points are based on the percentage by count of the scallops affected within the package.

* * * * *

(3) Extraneous material. Extraneous materials are pieces or fragements of undesirable material that are naturally present in or on the scallops and which should be removed during processing.

(i) Examples of minor extraneous material include intestines, seaweed, and each aggregate of sand and grit within an area of ½-inch square.

(ii) Examples of major extraneous material include shell, aggregate of embedded sand or other extraneous embedded material that affects the appearance or eating quality of the product.

6. Delete § 266.166(a)(4) "Piece of shell fragement."

7. Revise § 266.166(b) to read:

* * * * *

(b) For the purpose of rating the absence of defects, the schedule of deduction points in Table III applies.

8. Revise Table III to read as follows:

Table III.—*Schedule of Point Deductions for Workmanship Defects, Subfactors, Misshaped or Double Scallops, and Extraneous Material*

Defect subfactors	Method of determining subfactor score	Percent of scallops affected: Over—	Not over—	Deduction points
Misshaped or doubled scallops in the frozen state	Misshaped scallops (elongated, flattened, mashed, or damaged scallop meats).	0	10	3
		10	20	7
		20	...	15
	Doubled scallops (2 or more scallops joined together during breading and/or frying operation).			
Extraneous material in the cooked state	Minor: Each instance of minor extraneous material in the sample unit per pound.	...	...	1
	Major: Each instance of major extraneous material in the sample unit per pound.	...	...	5

9. Delete table IV and renumber tables V and VI as IV and V.

10. In § 266.167 revise paragraph (a)(1) and amend the first sentence of paragraph (b) as follows:

§ 266.167 Character.

(a) * * *

(1) *Gristle.* Gristle (type 2 only) is the tough elastic tissue usually attached to the scallop meat. Each instance of gristle is in an occurrence.

* * * * *

(b) * * * tables IV and V apply.

* * * * *

§ 266.171 [Amended]

12. In § 206.171(a)(2)(v) amend the formula to read as follows:

"Percent Scallop meat = weight of scallop meat (iv)/weight of frozen fried or breaded scallops (i) × 100"

13. In § 266.171 amended (b) to read:

* * * * *

(b) *Cooked state.* Cooked state shall mean that the product shall be cooked in accordance with the instructions accompanying the product.

(1) If specific instructions are lacking for fried scallops, the product for inspection shall be cooked as follows: Spread the frozen scallops on a foil covered baking sheet or a shallow pan. Place sheet or pan in frozen content at the mid-point of a properly ventilated over preheated to 400 degrees Fahrenheit until thoroughly cooked, 15 to 20 minutes.

(2) If specific instructions are lacking for the breaded scallops, the product for inspection shall be cooked as follows: Place frozen, breaded product in wire mesh fry basket large enough to hold all items in single layer. Heat by immersing in 375° F (190° C) edible cooking oil 2–3 minutes or until items float to surface. After cooking, let items drain 15 sec. and place on paper napkin or towel to absorb excess oil.

14. In the following sections, insert the words "frozen raw breaded scallops and" immediately preceding the words "frozen fried scallops" wherever the words "frozen fried scallops" appear.

(a) 266.152 Styles.

(b) 266.154 Grades.

(c) 266.161 Ascertaining the Grade.

(d) 266.164 Appearance.

(e) 266.165 Uniformity.

(f) 266.167 Character.

[FR Doc. 79-17396 Filed 6-5-79; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 110
Wednesday, June 6, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

[7 CFR Parts 800, 802, and 803]

Grain Standards; Proposed Rulemaking; Corrections

AGENCY: Federal Grain Inspection Service.

ACTION: Corrections to proposed regulation

SUMMARY: At page 11920 of the Federal Register for Friday, March 2, 1979 (44 FR 11920), the Federal Grain Inspection Service (Service) proposed regulations to implement the United States Grain Standards Act, as amended in 1976 and 1977. A subsequent review of the Notice of Proposed Rulemaking disclosed a number of errors in the Statement of Considerations and the text of the regulations. Notice is hereby given to appropriate corrections to the Statement of Considerations; needed corrections to the text of the regulations will be made as part of final rulemaking.

ADDRESS: Written comments or requests for additional copies of the proposed regulations should be sent in duplicate to the Compliance Division, Room 2405 Auditors Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250, where all comments will be available for public inspection during normal business hours. An approved draft impact analysis is also available from the Compliance Division.

FOR FURTHER INFORMATION CONTACT: Leslie E. Malone, Assistant Deputy Administrator, Program Operations (Staff), USDA, FGIS, Room 1627–S, 1400 Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447–9166.

SUPPLEMENTARY INFORMATION: On March 2, 1979, the Service published a Notice of Proposed Rulemaking in the Federal Register, at 44 FR 11920. There were a number of errors in the Statement of Considerations and the text of the proposed regulations as published.

At 44 FR 11923, in the Statement of Considerations, the reference in paragraph 19 that reads "Section 800.1000–800.1013" should be changed to *"Section 803.0–803.13."* Also, the sentence that begins with the words, "The major concern in the comments was . . .," should be replaced with the following sentences: "The major concern in the comments was the difference in tolerances and minimum graduation sizes between HB 44 *requirements and those proposed by the Service. Service-proposed regulations adopted the provisions in HB 44* with the two exceptions noted above." Finally, clause (6), which begins with the words, "The Scale Manufacturing Association has assured . . .," should be replaced with the following clause: "(6) *Major manufactuers within the scale industry have assured the Service that present gain scales used for official weighing of grain under the Act can meet the requirements proposed in these regulations."*

Errors in the actual text of the proposed regulations, including Part 803, Official Performance Requirements for Grain Weighing Equipment and Related Grain-Handling Systems, will be corrected as part of the final rulemaking.

Done in Washington, D.C., on June 1, 1979.

D. R. Galliart.

Acting Administrator.

[FR Doc. 79-17583 Filed 6-5-79; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 30 and 35]

Testing of Radioisotope Generators

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Proposed rule.

SUMMARY: Certain NRC medical licensees are authorized to prepare radiopharmaceuticals from radioisotope generators. NRC is considering requiring licensees to test these radiopharmaceuticals for a contaminant called molybdenum-99. The proposed rule also includes maximum limits for molybdenum-99 in these radiopharmaceuticals.

DATES: Comment period expires August 6, 1979.

ADDRESSES: Written comments or suggestions for consideration in connection with the proposed amendment should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone: 301–443–5860).

SUPPLEMENTARY INFORMATION: In diagnostic nuclear medicine, the most widely used radiopharmaceutical is technetium-99m (Tc-99m) which has a radioactive half-life of 6 hours. Many hospitals and nuclear pharmacies obtain their Tc-99m by purchasing a radionuclide generator from a radiopharmaceutical manufacturer and eluting the generator.

The radioisotope generator is a shielded device that is often called a molybdenum generator or molybdenum "cow" because molybdenum-99 (Mo-99), the parent of Tc-99m, is contained within the generator. The Mo-99 is adsorbed on an alumina column which is arranged so that sterile saline can be fed through the column to wash out, or elute, only the daughter radioisotope, Tc-99m. The parent, Mo-99, has a longer half-life than the daughter, Tc-99m, and the parent continuously decays to form the daughter radioisotope, which is eluted when needed. The generator is usually eluted, or "milked", every 24 hours and replaced with a new generator once a week because the parent, Mo-99, has decayed below useful levels.

The United States Pharmacopeia (USP) XIX, which is recognized by the Food and Drug Administration (FDA) and the pharmaceutical industry as the basic standard for drug strength, quality and purity, has upper limits for the presence of Mo-99 in Tc-99m radiopharmaceuticals. These limits apply to molybdenum generator manufacturers and the generator's

labeling includes methods or references methods for quantifying the amount of Mo-99 in Tc-99m. This is usually called a molybdenum breakthrough test.

Molybdenum breakthrough testing by the generator user has always been considered a good laboratory practice or a good quality control measure. In a section describing molybdenum breakthrough testing, the Bureau of Radiological Health (FDA) *"Workshop Manual on Radiopharmaceutical Quality Assurance"* (July 1978) states: "Thus, it is important that testing for Mo-99 be performed routinely."

Until 1975, all NRC medical licenses authorizing generators included a license condition requiring molybdenum breakthrough testing. In 1975 this condition was dropped because of a provision in the new § 35.14 group medical licensing regulations. Section 35.14(b)(4) requires licensees to follow the generator labeling or package inserts which at that time included methods for molybdenum breakthrough testing. Over the intervening years, generator labeling has become equivocal on molybdenum breakthrough testing. Some package inserts imply that you *should* do it, others imply that you *are* doing it, and still others *recommend* that you do it. Thus, there are no uniform requirements in NRC licenses, regulations, or manufacturer's labeling for the performance of tests to determine the amount of Mo-99 in Tc-99m radiopharmaceuticals prior to administration to patients.

A recent joint MRC/FDA investigation revealed the possibility of greater than normal quantities of Mo-99 in Tc-99m generator eluate. The presence of molybdenum-99 serves no diagnostic purpose. It could result in a radiation dose to a critical organ of one or more rems and if such doses occur in large populations of patients, they would be unacceptable from a public health and safety standpoint. There are several thousand generators shipped weekly with each generator accounting for up to 50 patient dosages per day. If a problem develops in the manufacture, shipping, handling or elution of these generators and this results in molybdenum breakthrough in excess of the *USP* XIX limits, there is a potential for the exposure of a large number of persons.

In view of this, on March 12, 1979, NRC issued an order requiring medical licensees to perform molybdenum breakthrough testing on each elution of Tc-99m from a generator and also prohibiting licensees from administering any Tc-99m radiopharmaceuticals that exceed the *USP* XIX limits for Mo-99 contamination. The following proposed rule contains the essentials of that order. This proposed rule does not change or modify the March 12, 1979 order to licensees requiring molybdenum breakthrough testing. However, the order will be rescinded upon publication of an effective rule.

The proposed rule (and the NRC order) covers three types of NRC medical licenses: (1) The nuclear pharmacy license, (2) the broad medical license and (3) the group medical license. The proposed rule (and the NRC order) applies only to medical licensees who actually elute the radioisotope generators and does not apply to those medical licensees who purchase prepared Tc-99m radiopharmaceuticals from a radiopharmaceutical manufacturer or nuclear pharmacy.

Basically, the proposed § 35.14(b)(4) requires the group medical licensees to perform molybdenum breakthrough tests if they use generators. The proposed § 30.34(f) requires nuclear pharmacy licensees and broad medical licensees to perform the same molybdenum breakthrough tests if they use generators.

Copies of the value/impact analysis supporting the proposed rule are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. Single copies of the value/impact analysis may be obtained on request from Edward Podolak at the above address.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 30 and 35 are contemplated.

1. A new paragraph (f) is added to § 30.34 to read as follows:

§ 30.34 Terms and conditions of licenses.

* * * * *

(f) Each licensee who prepares technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators shall test the generator eluates for molybdenum-99 breakthrough in accordance with § 35.14(b) (4) (i) thru (iv).

2. In § 35.14, paragraph (b)(4) is revised to read as follows:

§ 35.14 Specific licenses for certain groups of medical uses of byproduct material.

* * * * *

(b) Any licensee who is authorized to use byproduct material pursuant to one or more groups in §§ 35.14(a) and 35.100 is subject to the following conditions:

* * * * *

(4) For Group III, any licensee who uses generators or reagent kits shall:

(i) Elute the generator or process radioactive material with the reagent kit in accordance with instructions which are approved by the Nuclear Regulatory Commission or an Agreement State and are furnished by the manufacturer on the label attached to or in the leaflet or brochure that accompanies the generator or reagent kit;

(ii) Cause each elution or extraction from the generator to be tested to determine either the total molybdenum-99 activity, or the concentration of molybdenum-99, before administration to patients. This testing shall be conducted according to written procedures and by personnel who have been specifically trained to perform the test;

(iii) Prohibit the administration to patients of technetium-99m containing more than one microcurie of molybdenum-99 per millicurie of technitium-99m, or more than 5 microcuries of molybdenum-99 per administered dose, at the time of administration; and

(iv) Maintain for 3 years for Commission inspection records of the molybdenum-99 test conducted on each elution from the generator.

* * * * *

(Secs. 81, 161, Pub. L. 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C. this 31st day of May 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-17525 Filed 6-5-79; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Docket No. R-0229]

Interest on Deposits; Deposits as Including Certain Promissory Notes and Other Obligations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking.

SUMMARY: The Board has proposed amending its regulations to subject member bank repurchase agreements of less than $100,000 to the interest rate ceilings of Regulation Q. Such repurchase agreements arise from a

transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by the United States or any agency thereof that the bank is obligated to repurchase.

DATE: Comments must be received by July 2, 1979.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3623), or Paul S. Pilecki, Attorney (202/452-3281) Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 217.1(f)(2) of Regulation Q and § 204.1(f)(2) of Regulation D presently exempt from the definition of deposits any obligations that "evidence an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by the United States or any agency thereof that the bank is obligated to repurchase." Consequently, these obligations are not subject to the Regulation Q interest rate ceilings or to reserve requirements. This general exemption was established in 1969 in order to facilitate a strong Government and agency securities market, to provide banks a means of temporarily financing their portfolio positions and to provide a service to customers who desire to invest temporarily idle funds in Government and agency securities in amounts and maturities less than those readily available in the market. The repurchase agreement exemption was not intended to provide member banks with a device for avoiding interest rate ceilings.

The Board is aware of recent actions by banks to offer small denomination repurchase agreements ("RPs") of Government and agency securities at rates in excess of that which would be available for time deposits of comparable terms. The Board views the sale of small denomination repurchase agreements of Government and agency securities not subject to interest rate limitations as potentially harmful to the orderly administration of currently prescribed deposit rate ceilings and to the competitive balance existing between thrifts and commercial banks. In this regard, the issuance of small denomination RPs appears to be primarily a substitute for small denomination time deposits.

Consequently, the Board has proposed to narrow the current exemption from deposit treatment under Regulation Q by including within the definition of deposits member bank obligations arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal or interest by the United States or any agency thereof that the bank is obligated to repurchase. Public comment is requested on the extent to which the application of interest rate ceiling to repurchase agreements issued in amounts of less than $100,000 would affect the practice of providing bank customers a vehicle for investing temporarily idle funds. This proposal would not affect the current exemption for interbank transactions involving repurchase agreements of less than $100,000.

All comments on this proposal should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received by July 2, 1979. All material submitted should include the Docket Number R-0229. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

Pursuant to its authority under section 19 (a), (i) and (j) of the Federal Reserve Act (12 U.S.C. 461, 371a and 371b) the Board proposes to amend Regulation Q (12 CFR Part 217) as follows:

§ 217.1 Definitions.

* * * * *

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this part, the term "deposits" also includes any member bank's liability on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral) that is issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business, except any such obligation that:

* * * * *

(2) Is issued in denominations of $100,000 or more on or after July 1, 1979, and evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by the United States or any agency thereof that the bank is obligated to repurchase;

By order of the Board of Governors of the Federal Reserve System, May 30, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-17489 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

[12 CFR Part 217]

[Docket No. R-0228]

Payment of Time Deposits Before Maturity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board of Governors of the Federal Reserve System purposes to amend Regulation Q concerning the payment of time deposits before maturity in the event of the death of any owner of the time deposit funds. Under the Board's current regulation, a member bank, upon the death of any owner of a time deposit, is permitted to pay such time deposit before maturity without imposition of the normally required early withdrawal interest forfeiture penalty. Under the proposed amendment, a member bank would be required to pay a time deposit prior to maturity without penalty upon the death of any owner when requested to do so by the owner's representative or by any other owner.

DATES: Comments must be received by July 2, 1979.

ADDRESS: Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the Docket Number R-0228.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3623) or Anthony F. Cole, Senior Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Regulation Q currently provides that upon the death of any owner of time deposit funds, a member bank, if it so chooses, may pay all or a portion of such time deposit funds before maturity without imposing the normally required early withdrawal interest forfeiture penalty (§ 217.4(d)). The Board proposes to amend this provision to require a member bank to pay a time deposit prior to maturity without penalty upon the death of any owner when requested to do so by the owner's representative or by any other owner. The Board believes that the proposed amendment will more fully effectuate the intent of this exception to the early withdrawal penalty rule, which is to facilitate the administration of estates as well as ease the financial burdens occasioned by the death of a depositor. Public comment is requested on whether the proposed

amendment, if adopted, should apply to all time deposits or only to those time deposits issued after the implementation date.

All comments and information on this proposal should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received by July 2, 1979. All material submitted should include the Docket Number R-0228. Such material will be made available for inspection and copying upon request except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

Pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. § 371b), the Board proposes to amend Regulation Q (12 CFR 217.4) as follows:

§ 217.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty for early withdrawals.* * * * A time deposit may be paid before maturity without a forfeiture of interest as prescribed by this paragraph in the following circumstances:

(1) Where a member bank pays all or a portion of a time deposit upon the death of any owner of the time deposit funds. Provided, however, a member bank is required to pay a time deposit prior to maturity without penalty upon the death of any owner of the funds when requested to do so by the owner's representative or other owners;[12a] * * *

* * * * *

By order of the Board of Governors, May 30, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-17481 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

Interest on Deposits; Deposits as Including Certain Promissory Notes and Other Obligations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed rulemaking.

SUMMARY: The FDIC is proposing to amend its regulations to subject bank repurchase agreements of less than $100,000 to the interest rate ceilings of Part 329. Such repurchase agreements arise from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that the bank is obligated to repurchase.

DATE: Comments must be received by July 2, 1979.

ADDRESS: Comments should be in writing and should refer to PR-60-79, and be addressed to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Senior Attorney, or Douglas H. Jones, Attorney, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. (202-389-4324 or 202-389-4433).

SUPPLEMENTARY INFORMATION: Section 329.10(b)(2) of FDIC's regulations (12 CFR 329.10(b)(2)) presently exempts from the definition of deposits any obligation that "evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that the bank is obligated to repurchase." Consequently, these obligations are not subject to the interest rate ceilings. This general exemption was established in order to facilitate a strong Government and agency securities market, to provide banks a means of temporarily financing their portfolio positions and to provide a service to customers who desire to invest temporarily idle funds in Government and agency securities in amounts and maturities less than those readily available in the market. The repurchase agreement exemption was not intended to provide banks with a device for avoiding interest rate ceilings.

FDIC is aware of recent actions by banks to offer small denomination repurchase agreements ("RPs") of Government and agency securities at rates in excess of that which would be available for time deposits of comparable terms. FDIC views the sale of small denomination repurchase agreements of Government and agency securities not subject to interest rate limitations as potentially harmful to the orderly administration of currently prescribed deposit rate ceilings and to the competitive balance existing between thrifts and commercial banks. In this regard, the issuance of small denomination RPs appears to be primarily a substitute for small denomination time deposits.

Consequently, FDIC has proposed to narrow the current exemption from deposit treatment under § 329.10(b)(2) by including within the definition of deposits bank obligations arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal or interest by, the United States or any agency thereof that the bank is obligated to repurchase. Public comment is requested on the extent to which the application of interest rate ceilings to repurchase agreements issued in amounts of less than $100,000 would affect the practice of providing bank customers a vehicle for investing temporarily idle funds. This proposal would not affect the current exemption for interbank transactions involving repurchase agreements of less than $100,000.

Pursuant to its authority under Sections 9 and 18 of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828), the FDIC proposes to amend 12 CFR Part 329 by revising paragraph (b)(2) of § 329.10 as follows:

§ 329.10 Obligations other than deposits.

* * * * *

(a) * * * [15] * * * * * * * [16] * * *

(b) *Exceptions.*

* * * * *

(2) Is issued in denominations of $100,000 or more on or after July 1, 1979, and evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States Government or any agency thereof that the bank is obligated to repurchase.

* * * * *

By order of the Board of Directors.

Dated: May 30, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-17527 Filed 6-5-79; 8:45 am]

BILLING CODE 6714-01-M

[12 CFR Part 329]

Interest on Deposits; Payment of Time Deposits Before Maturity

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed rule.

SUMMARY: The FDIC proposes to amend its regulations concerning the payment of time deposits before maturity in the

[12a] For the purposes of this provision, an "owner" of time deposit funds is any individual who at the time of his or her death has full legal and beneficial title to all or a portion of such funds or, at the time of his or her death, has beneficial title to all or a portion of such funds and full power of disposition and alienation with respect thereto.

[15] * * *

[16] * * *

event of the death of any owner of time deposit funds. Under the FDIC's current regulation, a bank, upon the death of any owner of a time deposit, is permitted to pay such time deposit before maturity without imposition of the normally required early withdrawal interest forfeiture penalty. Under the proposed amendment, a bank would be required to pay a time deposit prior to maturity without penalty upon the death of any owner.

DATE: Comments must be received by July 2, 1979.

ADDRESS: Comments should be in writing and should refer to PR–60–79, and be addressed to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Senior Attorney, or Douglas H. Jones, Attorney, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 (202–389–4324 or 202–389–4433).

SUPPLEMENTARY INFORMATION: Section 329.4(d) of FDIC's regulations (12 CFR 329.4(d)) currently provides that upon the death of any owner of time deposit funds, a bank, if it so chooses, may pay all or a portion of such time deposit funds before maturity without imposing the normally required early withdrawal interest forfeiture penalty. The FDIC proposes to amend this provision to require a bank to pay a time deposit prior to maturity without penalty upon the death of any owner. The FDIC believes that the proposed amendment will more fully effectuate the intent of this exception to the early withdrawal penalty rule, which is to facilitate the administration of estates as well as ease the financial burdens occasioned by the death of a depositor. Public comment is requested on whether the proposed amendment, if adopted, should apply to all time deposits or only to those time deposits issued after the implementation date.

Pursuant to its authority under Sections 9 and 18 of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828), the FDIC proposes to amend § 329.4(d) of Part 329 as follows:

1. Section 329.4(d) as amended effective July 1, 1979 would be revised by deleting paragraph (d) and substituting a new paragraph (d) in its place. Section 329.4(d) would be revised to read as follows:

§ 329.4 Payment of time deposits before maturity.

*(d) *Penalty on payment of time deposits before maturity.* In the event of payment before maturity of all or any portion of a time deposit issued under the provisions of this part, where such deposit was entered into on or after July 1, 1979, the depositor shall forfeit all interest at the rate being paid on the deposit, on the amount withdrawn earned from the date of deposit or for six months, whichever is less, if the original maturity of the account in which the funds to be withdrawn are on deposit is more than twelve months (one year). Where the original maturity of the account in which the funds to be withdrawn are on deposit is twelve months (one year) or less, the minimum penalty shall be a forfeiture of three months' interest at the rate being paid on the deposit on the amount withdrawn or interest since the date of deposit, whichever is less. Where necessary to comply with this requirement, interest already paid to or for the account of the depositor shall be deducted from the amount requested by the depositor to be withdrawn. All contracts not subject to the provisions of this paragraph shall be subject to the restrictions of § 329.4(d) in effect prior to July 1, 1979.[11b] Notwithstanding the provisions of this paragraph, on the death of any owner of time deposit funds, a bank is required to grant a request for early withdrawal and no penalty may be applied as a result of such withdrawal. An "owner" of time deposit funds is any individual who at the time of his or her death, has full legal and beneficial title to all or a portion of such funds or, at the time of his or her death, has beneficial title to all or a portion of such funds and full power of disposition and alienation with respect thereto, including but not limited to a power of revocation with respect to any trust of which the funds comprise all or part of the assets, whether or not such owner is acting as trustee. Except as otherwise provided in this paragraph, the prohibitions contained in this paragraph (d) need not be applied to the withdrawal of all or part of a time deposit prior to maturity under any of the following circumstances: (1) Where the time deposit consists of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. 408 or to a Keogh (H.R 10) plan established pursuant to 26 U.S.C. 401 and the individual for whose benefit the account is maintained is 59½ years of age or older or has become disabled within the meaning of 26 U.S.C. 72(m)(7); or (2) where the funds consitituting the time deposit consist of funds transferred to a new or resulting insured nonmember bank as the result of the merger of insured banks,[11b] [1] but only to the extent that the funds sought to be withdrawn were insured prior to the merger and have become uninsured as a result thereof, and provided that notice of withdrawal is given the new or resulting bank not later than twelve months after consummation of the merger.

* * * * *

By order of the Board of Directors.

Dated: May 30, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-17528 Filed 6-5-79; 8:45 am]

BILLING CODE 6714-01-M

CIVIL AERONAUTICS BOARD

[14 CFR Part 250a]

[Economic Regulations Docket 29410; EDR-312B; Dated: May 31, 1979]

Remedies for Charter Overbooking by Carriers; Termination of Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The CAB is terminating a rulemaking proceeding on remedies for oversales of space by direct air carriers to indirect air carriers, because regulations in this area does not appear to be necessary.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: This proceeding began with a June 1976 petition for rulemaking from the Board's former Office of the Consumer Advocate. The petition was prompted by some charter cancellations made necessary by an oversale by TWA of charter space for that month. The petition asked the Board to require direct air carriers in these situations to provide adequate substitute service for charter participants or liquidated damages similar to denied boarding compensation on schedule service.

The Board responded to the petition with EDR–312, an advance notice of proposed rulemaking (41 FR 47494, October 29, 1976). That notice invited comments on (1) whether the charter oversales problem was widespread enough to call for a regulatory solution,

and (2) what the details of such a solution should be.

Most commenters argued that the problem was an isolated one, so that regulation was unnecessary. Several argued that any rules on the subject should be directed towards guaranteeing adequate substitute service when a charter must be canceled because of oversales, rather than payments to individual charter participants.

The subject of this rulemaking must be distinguished from oversales or "overbooking" at the retail level, when a charter operator sells more individual seats than it has bought from a direct air carrier. The latter practice, analogous to overbooking on scheduled service, has been a significant problem. It is addressed in the Public Charter consumer protection rules that we recently adopted in Docket 29165 (SPR-156, 44 FR 12971, March 9, 1979). The effect of new 14 CFR 380.31 is to prohibit charter operators from overbooking except when it is specifically consented to by the participant.

Experience has shown, on the other hand, that cancellations resulting from charter oversales by direct air carriers to indirect air carriers have in fact been an isolated problem that does not require a regulatory solution.

Accordingly, the CAB terminates the rulemaking proceeding in Docket 29410.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-17539 Filed 6-5-79; 8:45 am]

BILLING CODE 6320-01-M

[14 CFR Part 380]

[SPDR-69; Docket No. 37505; Dated: May 31, 1979]

Public Charters; Escrow Depository Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB is proposing to amend the escrow depository requirements for Public Charters. The proposed rule would allow escrow accounting by charter flight instead of by charter group and would remove the percentage disbursement limitation in the present rule. This proposal is in response to suggestions that the current accounting method is cumbersome and unduly restrictive.

DATES: Comments by: August 6, 1979.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: June 21, 1979. Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Comments should be sent to: Docket 35705, Docket Section, Civil Aeronautics Board, Washington D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, 1825 Connecticut Avenue, N.W. 20428.

FOR FURTHER INFORMATION CONTACT: Mark W. Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: In the Public Charter rulemaking (SPR-149, 43 FR 36604, August 18, 1978), the Board allowed all the operations that had been permitted by the charter rules then in existence, and some new operations such as one-way charters. The bonding and escrow depository requirements for Public Charter operators, contained in 14 CFR 380.34, were modeled on similar requirements for the older, less flexible types of charters, such as Advance Booking and Inclusive Tour Charters. Two charter operators, Suntours, Ltd. and Hamilton, Miller, Hudson & Fayne Travel Corporation, have suggested that these requirements, taken from outdated charter rules, create practical problems when applied to Public Charters. This notice of proposed rulemaking suggests an amendment to 14 CFR 380.34 to alleviate the problems alleged, and requests comments and alternative suggestions. The letters that prompted this rulemaking have been placed in the docket for this proceeding.

Method of Accounting

Before the Board adopted the Public Charter rule, several different forms of charter travel were permitted under the Board's regulations, each form with its own particular combination of restrictions. The Public Charter rule eliminated most of the restrictions and replaced the old forms with a single new form, the Public Charter. One of the restrictions that the old form shared in common, and that was eliminated by the Public Charter rule, was the requirement that all participants on a charter share the same itinerary. Thus, participants who departed together on the same flight were required to return together on the same flight, and to purchase identical hotel, sightseeing, car rental, or other ground services, if any, on the trip.

The rules for each of the old charter types contained provisions for protection of participant deposits. These provisions were incorporated in the Public Charter rule. The tour operator has two options: Either it can maintain a bond in a large amount, or it can maintain a smaller bond in combination with an escrow arrangement. Under the old charter rules, if the charter operator used an escrow arrangement, each participant's payment was allocated to an account for his or her charter group. As the charter operator presented bills for the charter services it had arranged, the bank paid the bills from the escrow account for the appropriate group. The charter operator's profit was not disbursed from the account until after the charter group had completed the trip.

The Public Charter rule contains the same financial protection scheme. But since Public Charter participants are not required to travel as a unit, the old method of escrow accounting by "group"—persons sharing a common itinerary—has become complicated, burdensome, and potentially expensive. Participants leaving on the same Public Charter flight need not return together nor purchase idential ground accommodations enroute. To account by "group" under these circumstances, a separate account must be maintained for each participant whose itinerary is in any way unique. Many separate accounts could therefore be needed for a single charter flight because of the many itinerary variations that are now permitted. The added bookkeeping and verification chores imposed on the escrow bank add to the total charter price.

Suntours, a charter operator, has suggested that the accounting method be changed to allow accounting by flight rather than by charter group. Suntours would require an account for each departing flight. Each account would cover money for the return flight and ground services, if any, for each passenger on the departing flight, as well as money for the departing flight itself. Funds remaining in the account after departure of the outbound flight would be released to the charter operator.

Although we tentatively agree with Suntours that accounting by flight is more workable than accounting by group, we do not agree that accounting for each payment by *departing* flight affording enough protection to funds for the return flight. If funds for the return portion of a charter are released after departure of the outbound flight, there is no assurance that they will indeed be used for the return flight instead of for

some more immediate expense of the charter operator.

We are proposing that an account be established for each charter flight, outbound or returning, to assure that funds deposited for a given flight will be used for that flight and no other. A "flight" would be defined in § 380.34(b)(2)(vi)(C) as an air trip between two points, regardless of the number of intermediate stops, provided no stop lasts more than 24 hours.

It should be noted that, as § 380.34(b)(2)(vi)(B) makes clear, the Board does not intend "separate account" necessarily to mean separate "bank account," as the term is commonly used. The bank may account for the money internally by any method, as long as a record is kept of the amount of funds allocable to each flight. That record is considered the "account."

Under this proposal, each payment would be allocated to the accounts (normally two) corresponding to the flights (outbound and return) on which the participant is booked. Enough money must be allocated to each account to cover the participant's portion of the charter cost for that flight. Where a payment includes money for ground services, the ground services portion must be allocated to the *last* flight the participant will take (that is, the return flight if there is more than one flight). If there is only one flight, the ground portion must of course be placed in that account. We would require the ground portion to be placed in the return flight account to assure that those funds are not distributed to the charter operator before the ground accommodations were actually paid for, as might occur if an operator could elect to allocate the ground money to the outbound flight account.

Disbursement Limitations

The existing rule limits disbursements by the escrow bank to the cost of the air transportation, or 80% of the total deposits (less refunds) allocated to the account, whichever is greater. The balance cannot be released until the charter trip is complete. The 20% reserve is intended to assure quick refunds to late-canceling charter participants and to provide an emergency fund for ground accommodations in case problems with the arrangements arise during the tour.

Hamilton, Miller, Hudson & Fayne Travel Corporation (Hamilton) has argued that the limitation is causing unnecessary liquidity problems for charter operators. Because charter participants are now booking later, resulting in less money in the account at the time of payment for services, and because profit margins are lower than in the past, operators may have to use their own funds to help pay for air and ground services in advance. The reserve, it states, is not used in the overwhelming majority of cases, and it results in higher prices for consumers. Hamilton suggested that a 5% reserve should be adequate for the Board's purposes, noting that the substantial cancelation penalties assessed by most tour operators for late-canceling participants reduce the amount of reserve needed for refunds.

We tentatively agree with Hamilton that the present 80% limit may cause operators some financial problems, and that the burden to operators is out of proportion to the benefits to the traveling public. We know of only one case in the past where those funds were actually needed to remedy a default on ground arrangements.[1] And while there is some benefit to preserving a source of ready cash for last-minute refunds, there are also costs to the charter operator, ultimately passed through to the consumer, of prohibiting the expenditure of money for the very services for which it was intended to be used. Based on our experience, we are not convinced that the benefits outweight the costs. As Hamilton notes, penalties put on late-canceling participants reduce the amount of refunds. If the escrow account does not contain enough money for a refund, the tour operator must provide the refund from its own funds. The surety bond provides further assurance that refunds will be made. In the past, the amount held in the escrow account may have served to speed up a refund. The recently-issued consumer protection amendments to the Public Charter rule (SPR–156, 44 FR 12971 March 9, 1979) have, however, removed that justification, since they now specify that refunds must be made within 14 days (14 CFR 380.32(k)).

The purpose of the escrow mechanism is basically to prevent misappropriations of funds by charter operators. It appears that the escrow system will remain just as effective in preventing misappropriations without the disbursement limit, and we propose to eliminate the limit althogether. Removing the disbursement limitation costs would make Public Charters more competitive with scheduled air transportation, including group inclusive tours (GIT's), which have no escrow costs. We favor the option most likely to further competition, in the absence of other alternatives with more significant and reasonably certain public benefits. On the basis of the information before us now, it seems that the existing disbursement limitation lacks definite benefits. Therefore, we are proposing to eliminate the proviso to § 380.34(b)(2)(v), which contains the disbursement limitation. We are especially interested in receiving any available information bearing on this question, such as evidence that the limitation has in the past prevented losses.

[1] Waiver granted July 27, 1978 permitting disbursements from escrow in excess of 80% for charter trip operated by Nationwide Leisure Corporation.

Special Provision for Air-Only Charters

A further adjustment to the existing accounting system is being proposed. The proviso to § 380.34(b)(2)(ix) now allows a bank to release the balance in an account for a round trip air-only charter after the departure of the originating flight, if the return flight has already been paid for. This provision would be meaningless under our proposed changes, since there would be no more accounting for round trip charters as such—only for individual flight legs. The policy of allowing an air-only charter operator access to its profit as soon as the charter arrangements have been paid for is still valid, however. Therefore, we would delete the existing proviso and add a new § 380.34(b)(2)(x).

This new paragraph would allow disbursement of the balance in a flight account that contains payments only for air transportation as soon as the direct air carrier has been paid. When the charter is for air transportation only, there is no danger of misallocation once the air transportation has been paid for. And we see no good reason to deny the charter operator access to its profit (balance in the account) until after the flight has actually departed. Allowing the charter operator immediate access to its profit once it has paid the air carrier will give the operator more financial flexibility, which should ultimately promote competition and benefit the consumer. We have tentatively decided that the probable benefits of allowing early distribution of profit are greater than the benefits of postponing distribution. Therefore, we propose to allow the escrow bank to disburse the balance in an account for an air-only charter upon proof that the direct carrier has been paid in full for the flight. This would contrast with the treatment of funds in accounts containing funds for ground services. The balance in these accounts may not be paid out before the departure of the corresponding flight, since there is no reliable way of ascertaining whether all ground services have been paid for.

Proposed Rule

Accordingly, the Civil Aeronautics Board proposes to amend § 380.34 of 14 CFR Part 380, *Public Charters*, to read as follows:

§ 380.34 Surety bond and depository agreement.

* * * * *

(b) * * *

(2) * * *

(ii) The bank shall pay the direct air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the flight, upon certification of the departure date by the air carrier: *Provided*, That, in the case of a round trip charter contract to be performed by one carrier, the total round trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) * * *

(iv) * * *

(v) After the charter price for a flight has been paid in full to the direct air carrier, the bank shall pay funds from the account for that flight directly to the hotels, sightseeing enterprises, or other persons or companies furnishing ground accommodations and services, if any, in connection with the charter, upon presentation to the bank of vendors' bills and upon certification by the charter operator or foreign charter operator of the amounts payable for such ground accommodations and services and the persons or companies to whom payment is to be made;

(vi) As used in this section, the term—

(A) "Bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(B) "Account" includes any record that shows the amount of funds (participant deposits less disbursements) held in escrow for a flight and its accompanying ground accommodations and services;

(C) "Flight" means a trip between two points by aircraft, regardless of the number of intermediate stops as long as no stop lasts more than 24 hours.

(vii) The bank shall maintain a separate account for each charter flight. Deposits by charter participants shall be allocated to the accounts matching the participant's itinerary. Each such account shall have allocated to it, at a minimum, the charter cost of the participant's air transportation on that flight. The portion of each deposit covering the cost of ground accommodations and services shall be allocated to the account for the return flight in the participant's itinerary. If there is only one flight in the itinerary, the ground portion shall be allocated to that account.

(viii) * * *

(ix) Except as provided in paragraph (b)(2)(i), (iii), (iv), (v), (viii), and (x) of this section, the bank shall not pay out any funds from an account prior to 2 banking days after departure of the flight, when the balance in the account shall be paid the charter operator or foreign charter operator, upon certification of the departure date by the direct air carrier.

(x) If a flight account contains no funds for ground services and accommodations, the bank may pay the balance in the account to the charter operator as soon as it has paid the direct air carrier and charter price for the flight and has paid all refunds due to participants, as provided in paragraphs (b)(2) (ii) and (iii) of this section.

(c) * * *

(Secs. 204, 401, 402, 411, 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1710, 72 Stat. 757, 769, 92 Stat. 1731, 1732; [49 U.S.C. 1324, 1371, 1372, 1381, 1386])

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-17538 Filed 6-5-79; 8:45 am]

BILLING CODE 6320-01-M

[14 CFR Part 382]

[SPDR-70; Docket No. 34030; Dated: May 31, 1979]

Nondiscrimination on the Basis of Handicap

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Civil Aeronautics Board proposes new rules to prohibit unlawful discrimination against disabled travelers and to implement section 504 of the Rehabilitation Act of 1973. Air carriers would be prohibited from discriminating on the basis of handicap in providing air service. This proceeding began at the Board's initiative and with a petition for rulemaking filed by the National Federation of the Blind.

DATES: Comments by: September 4, 1979. Reply Comments by: September 24, 1979.

Comments and relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 18, 1979.

Applications for compensation for the cost of participating in this proceeding by: July 6, 1979.

The Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: About the proposed rule—Mary Candace Fowler, Bureau of Consumer Protection, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673-5158. About compensated public participation—Russell Patterson, Office of the Managing Director; (202) 673-5189.

SUPPLEMENTARY INFORMATION:

Invitation of Applications for Compensated Participation

Because the Board believes that broad public participation will be particularly useful to us in formulating fair and sensible rules governing carriage of the handicapped, and because we want to have the opportunity to hear all relevant viewpoints, regardless of commenters' financial ability to participate, we explicitly invite applications for compensation to participate in this rulemaking proceeding. The closing date for applications for financial assistance is July 6, 1979. Eligibility criteria and procedures for compensation are set out in 14 CFR Part 304 (43 FR 56878; December 5, 1978). That part and a handbook explaining the program are available from the Distribution Section, Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

Introduction and Background

These proposed rules reflect the need to insure that handicapped travelers have adequate access to air transportation, and to prevent discrimination on the basis of handicap. They would implement section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination against the handicapped in any program or activity receiving Federal financial assistance. In addition, the proposed rules would emphasize that the handicapped are protected by the

adequacy of service and antidiscrimination provisions of section 404 of the Federal Aviation Act (49 U.S.C. 1374), which are applicable to all air carriers, whether or not receiving Federal financial assistance.

Following the enactment of section 504 of the Rehabilitation Act, the President issued Executive Order 11914, which directed each Federal agency to adopt rules to implement the anti-discrimination provisions of the Rehabilitation Act. The Secretary of Health, Education, and Welfare (HEW) was directed to coordinate the implementation and establish guidelines for the agencies. The Secretary issued rules for this process in 43 FR 2131 (January 13, 1978), setting certain deadlines for executive agency rules to be issued, and asked that independent regulatory agencies also cooperate in meeting these deadlines. In addition, a petition for rulemaking has been filed in this docket by the National Federation of the Blind, asking the Board to issue regulations prohibiting discrimination on the basis of handicap in air transportation.

A review of the problems that have been presented to the Board regarding difficulties encountered by handicapped persons in air transportation demonstrates not only a need for regulations under section 504 of the Rehabilitation Act, but also a significant need for the handicapped to receive adequate, nondiscriminatory service in air transportation in general. Tariffs now in effect permit air carriers to refuse service to handicapped persons for many reasons, some of which may be arbitrary. Therefore, we have decided that the scope of this rulemaking should include any discrimination against passengers and prospective passengers on the basis of a handicapping condition, and the availability of adequate, reasonable service to handicapped persons. We believe the burden of showing that airline service to handicapped persons cannot be provided should be on the air carrier.

This notice does not propose to regulate airline employment practices, for several reasons. In accordance with the Airline Deregulation Act of 1978, the Board will be phasing out its operations over the next 6 years. We are already making cuts in budget and staff. Under the circumstances, it would be very difficult to develop a new program in an area where we have little experience or background, and then to allocate and train staff to implement it. This use of resources would be particularly unwise because the benefits that would flow from Board regulation of employment would be small. The Board extends direct Federal subsidies only to a small number of air carriers, so that the reach of our section 504 jurisdiction would not have a significant effect on industry employment. While we can prevent discrimination in air transportation under section 404 of the Federal Aviation Act without clear section 504 jurisdiction, the same is not true of employment. The Board would have no authority to regulate employment practices of unsubsidized carriers unless those practices somehow caused discrimination in transportation. We are therefore writing to the Secretary of HEW, recommending that the responsibility for any needed regulations about the employment practices of subsidized airlines be assigned to an agency, such as the Department of Labor, the Justice Department, or the Equal Employment Opportunity Commission, that has the experience and skill necessary to do the job effectively, with only a modest increase in expense. A copy of that letter will be filed in this docket.

The Board has also decided not to propose to require structural modifications of aircraft at this time. We do not now have sufficient information about the alternatives in this area, nor about whether their benefits would be adequate to justify their costs, to conclude that any specific requirements are necessary. The Board wishes to emphasize, however, that this does not mean that structural redesign to accommmodate a wide variety of handicapped passengers will not be studied. In fact, the airlines, aircraft manufacturers, and organizations representing the handicapped are already working together on questions of aircraft design, and we hope these efforts will be fruitful. We will continue to investigate this question, and we welcome public comment now or in the future on the need for regulations governing structural redesign. We recognize that the possible structural modifications to accommodate handicapped passengers range from those that are probably prohibitively expensive, like making aisles wide enough for ordinary wheelchairs, to those that may not cost very much, like making armrests removable. We especially invite comments on structural changes that can provide benefits without costs that are prohibitive.

General Provisions

1. *Applicability.* We propose to apply these rules to all certificated carriers and air taxis in their operations with aircraft of more than 30-seat passenger capacity. We propose in the alternative to apply them to all operations of these carriers, regardless of aircraft size. Recently, air taxis have been authorized to use aircraft up to 60 seats. They have rapidly been providing more scheduled service to more communities, and are expected under the Airline Deregulation Act to fill even more of the gaps in the certificated system. As air taxis' operations expand, their responsibilities should also expand to meet the greater expectations of the traveling public. Passengers will expect services for the handicapped to be available on these operations. Moreover, some aspects of the rules would merely make explicit what is already implicitly required by section 404. We recognize, however, that the proposed rules may impose a burden on these small carriers, and that certain aspects may be impracticable because of the size of their businesses or of their aircraft. For this reason, we specifically ask whether and how the rules should apply to air taxis.

2. *General principles.* Two tentative decisions by the Board are basic to the structure of these proposed rules: (1) All passengers, regardless of handicap, should be given reasonable access to commercial air transportation, and (2) regardless of any special programs, activities, or procedures designed to meet the needs of handicapped persons, the handicapped should be given a reasonable opportunity to use the ordinary, unaltered services of the carriers. For example, carriers could not as a general rule insist that handicapped passengers sit in special seating areas, or fly on special flights for handicapped persons only, unless such a rule were reasonably designed to provide access to air transportation. These basic principles are set forth in Subpart A of the proposed rules.

Specific Requirements

The specific rules in proposed Subpart B are intended to set the boundaries of travelers' rights and carriers' obligations by answering two major questions: When may an airline refuse to carry a handicapped person or require that the person be accompanied by an attendant? What services or equipment must a carrier provide for handicapped travelers on request (with or without extra charge) so that they will be able to travel by air with reasonable comfort and convenience? In proposing answers for these questions, we have tried to strike a reasonable balance among the interest of handicapped persons in the greatest possible convenience and freedom of choice in their use of air

transportation services, the legitimate requirements of air safety, and the economic reality that costs incurred by carriers will be passed on to consumers in the form of higher air fares, or to the handicapped in the form of special charges.

1. *Refusal to Carry; Requirement of an Attendant.* The Board believes that only significant and clearly demonstrable safety concerns or the most extreme considerations of carrier inconvenience should justify refusal to carry a handicapped passenger. Proposed § 382.12 reflects this belief by enumerating the factors that would permit a carrier to refuse service whether the cause of the problem were a handicap or something else. Among these are contagious disease, drunkenness, serious illness that may require immediate treatment, and a condition that results in disruptive behavior by the handicapped person. That section also provides that handicapped people will be presumed to be fit to travel unless there is clear evidence to the contrary.

The carrier would also be allowed to refuse to carry a handicapped traveler who needs extensive additional service or special equipment from the carrier, if the traveler has not notified the carrier in advance that this assistance will be necessary. The advance notification required by the carrier would have to be reasonably related to the carrier's need for it, and in any event could not exceed 48 hours. Modes forms of additional assistance that will require only a reasonable amount of time from carrier personnel and no special equipment or expense, such as simple boarding assistance or help in locating connecting flights, would not be considered extensive, and so would not justify a refusal to carry even without advance notification from the passenger. Proposed § 382.14(b) states that carrier-provided wheelchairs, oxygen for on-board use, and mechanical boarding lifts will be considered extensive special assistance. The Board specifically invites comments on this list, including whether there should be a distinction between ground wheelchairs and aisle chairs for on-board use, and whether other forms of special assistance should also be considered extensive. The Board also invites comments on whether a carrier's right to insist on advance notification should depend not only on the type of special assistance, but also on the size of the departure airport or the extent of the carrier's operations there. For example, the final rule could specify that a carrier would have to supply ground wheelchairs without advance notice at airports where it enplaned more than 500 passengers (or some other figure) daily.

We expect carriers to make widely available information about their special services and any applicable advance notice deadlines, but the proposed rules would not require this explicitly. Comments are invited on whether the Board should establish minimum standards for disseminating this information.

In a limited number of instances, handicapped people may insist that no additional service is necessary when the carrier believes it is, or that they are able to fly when the carrier believes they are not. The proposed rules would establish the principle that handicapped individuals must be transported unless there is a substantial, verifiable reason for refusing service. We have tentatively concluded that, in situations where real disputes arise, presentation of a recent medical certificate should satisfy all but the most conclusively supportable carrier doubts about an individual's ability to fly. Comments are invited on how the Board might ensure that carriers require a medical certificate only when they have legitimate doubts about the passenger's ability to fly. Should the Board be more specific in identifying the circumstances in which legitimate questions are likely to be raised?

As discussed below, the Board has tentatively concluded that carriers should be required to make available many types of service and assistance. But a special situation arises when a traveler is so severely handicapped that he or she will require extensive nursing or personal services during flight. The traveler should be responsible for arranging for these services, in the form of an attendant, and it would be reasonable for the carrier to require that such a traveler be attended during flight.

Most other handicapped persons, however, are evidently capable of unaccompanied travel. The proposed rule therefore prohibits carriers from requiring attendants for them unless (1) they would need substantial assistance to deplane in an emergency, and (2) the structure of the aircraft makes it physically impossible to seat them where they would not obstruct the emergency deplaning of other passengers. Persons who would need such substantial assistance would thus be allowed to assume the risk of traveling without an attendant, as long as they present no hazard to others. Waivers of liability for this and other situations are discussed below. Carriers could still insist on an attendant, however, for a person who is unwilling to assume the risk. The proposed rules also explicitly provide that blind persons, deaf persons, and those non-ambulatory persons who are able to exit using their arms during an emergency shall not be required to have an attendant in flight. Where the primary issue is not safety but personal care, such as ability to feed oneself or ability to use the restroom, the proposed rules give the traveler the option of declining food and providing independently for disposal of bodily wastes instead of traveling attended.

The Board specifically requests comments on the proposed method of determining which handicapped persons a carrier may require to be accompanied, and on the extent to which existing aircraft configurations enable non-ambulatory persons to be seated where they will not obstruct the emergency deplaning of other passengers. Commenters should address whether carrier discretion ought to be reduced further by tightening the standards or identifying more groups explicitly.

We have also tentatively decided that carriage of the handicapped should not be conditioned on any special waiver of liability for personal injury or for damage to equipment such as wheelchairs. This is reflected in proposed § 382.15. That section would, however, permit a carrier to insist on a waiver of liability for injury that (1) occurs despite the exercise of reasonable care by carrier personnel, and (2) results from a handicap traveling with which presents an extraordinary hazard. This exception to the prohibition against waiver is designed to make air transportation available to persons who might otherwise present too great a risk. For example, people suffering from bone cancer may have bones so brittle that ordinary air turbulence would subject them to an extraordinary risk. In this case, we believe the traveler should assume this risk. Similarly, this provision should make unaccompanied travel possible for some passengers who would otherwise need an attendant. In no case, however, should a carrier be permitted to avoid liability for injury resulting from negligent or careless treatment of such a passenger. The attached draft rules do not require prior Board approval of any waiver of liability forms that a carrier may wish to use. We propose in the alternative to include such a requirement.

Although we have not explicitly covered this point in the proposed rules, we also request comment on whether there are maximum numbers of

handicapped persons that can be accommodated on any flight. Commenters should address the relevant safety factors, and whether there are any handicapped persons who should not be counted towards any maximum number that is established.

2. *Personal Equipment; Provision of Special Services.* To make air travel truly accessible to the handicapped, we propose to require carriers to, accommodate travelers' desires to transport their own equipment and aids, and to have available various types of service and equipment to be provided at the traveler's request. Except for pressing safety reasons, as discussed above, the carrier could not require a handicapped passenger to accept unrequested special services.

Proposed § 382.13 would require carriers to permit guide dogs to travel on board with their blind or deaf owners, and would provide for accommodation of passengers' desire to have their own white canes, walking canes, and crutches on board and available to them during flight to the maximum extent permitted by Federal Aviation Administration (FAA) rules. This section would therefore not require carriers to allow blind passengers to keep their white canes near them during takeoff and landing. That issue is being addressed by the FAA, which has invited public comments on a petition by the National Federation of the Blind for an amendment of the FAA rules (44 FR 25869; May 3, 1979).

Section 382.13 would also require carriers to carry passengers' folding wheelchairs on board, if that will not violate FAA regulations or the Department of Transpsortation's hazardous materials regulations (49 CFR Parts 172, 173, and 175). Some passengers' wheelchairs may be narrow enough to travel along an aisle. We have tentatively decided not to require carriers to allow these pasengers to use their own wheelchairs freely during flight, in view of the burden this would apparently impose on flight attendants and other passengers. We invite comments, however, on the importance, workability, and safety implications of such a requirement. Commenters should note that this issue is different from that of carrier-provided assistance in moving to restrooms, which is discussed below.

Battery-operated wheelchairs that cannot be carried on board because of the hazardous materials regulations would have to be accepted as baggage to the extent permitted by those regulations. Among the hazardous materials requirements is that spillable wet cell batteries be installed on their wheelchairs, which in turn must be secured in an upright position. This proposed rule would not require modification of aircraft whose cargo areas are too small to carry wheelchairs in an upright position. On aircraft that are large enough, however, it would be the carrier's responsibility to ensure that wheelchairs can be adequately secured.

Passengers' personal oxygen supplies would also have to be accepted as baggage, to the extent permitted by the hazardous materials regulations. There may be a practical problem with this requirement, however, since carriers and passengers alike may not be sure whether particular oxygen cannisters are permissible. The Board specifically invites comments on the extent of such a problem, including whether there is any solution that is within the Board's power to effect.

As a matter of practice, we understand that passengers with guide dogs are commonly restricted to the bulkhead seats. Other special seating restrictions involve placement in aisle or window seats or placement near or away from window exits. these may inconvenience some passengers who would prefer to sit in a smoking or non-smoking section but find themselves in the wrong one. Moreover, they are unjustly discriminatory if they do not have a legitimate basis. The general rule set out in proposed § 382.5(b) would prohibit seating policies that are not reasonably necessary to ensure safety or to accommodate the handicapped passenger. Similarly, it would require seating policies to be applied consistently to both handicapped and non-handicapped passengers, so that decisions are made on the basis of functional ability rather than technical status. For example, if lack of arm strength is the reason for refusing to seat a particular handicapped person next to a window exit, then a small child should probably not be permitted to sit there either. The Board invites comments on whether carriers' current seating policies are in fact reasonable or necessary, what inconveniences they impose on handicapped passengers, the extent to which the convenience of other passengers is relevant, and whether more specific rules on this subject are needed.

Proposed § 382.14 would require the availability of life-support systems such as oxygen, and personnel and equipment to assist in boarding, moving to (but not using) restrooms, deplaning, baggage handling, and making connections. The equipment would include ground wheelchairs, aisle chairs, and, where necessary, mechanical boarding lifts. Comments are requested on whether there are any other items or services whose availability should be specifically prescribed.

The tentative determination of the board is that airlines should be allowed to charge handicapped passengers for the additional service they request, as long as other passengers requesting the same service are also charged for it. A carrier could not, for example, discriminate against handicapped travelers by charging them for escort service between connecting flights if the same service is offered free to children, elderly people, or simply harried travelers.

A major purpose of the proposed rule is to reflect the substantial expense of providing some equipment and services such as oxygen, while not permitting carriers to impose charges that will discourage travel by the handicapped. If additional charges are made, they must be cost-based. We specifically request comment on the charges to be made for additional service, the types of services to be covered, the amount of the charges to be made, and the amount the carriers would have to charge to recover the costs of administering a program of additional charges for these services. In addition, we ask whether charges should be permitted for the provision of assistance by ground personnel. We also seek comments on the best way for the Board to oversee the fairness of any additional charges.

Proposed § 382.11 would require carriers to make sure that necessary information is available in forms that are readily accessible to deaf travelers. For blind travelers, it would specifically require that carriers make available in Braille the information that is given to other passengers on printed emergency cards. The Board invites comments on the cost of providing Braille cards and whether it is justified by the benefits they would afford blind passengers over alternative forms of notification.

Compliance

In Subpart C, § 382.20 would require carrriers to submit to the Board assurances of their compliance with these rules. For subsidized carriers, approval and payment of any subsidy would be explicitly conditioned on the submission of these assurances. Carriers would also have to evaluate their present procedures and policies to determine areas in which discrimination may occur, and periodically review and update the evaluation. So that the Board can monitor this program, carriers would also be required to retain records of the evaluation and corrective action

taken, and to designate one official to be responsible for coordinating actions under this part.

As with the smoking-rule manuals required by 14 CFR Part 252, proposed § 382.21 would require carriers to maintain employees' manuals containing company rules for accommodating handicapped passengers. Copies of the manual and any revisions would be filed with the Bureau of Consumer Protection. The Board could by order modify any company rule as necessary to conform it to this new Part 382.

The Board is also proposing several measures directed at resolving complaints and problems informally without involving the Board or legal sanctions. Each carrier would be required to establish a review procedure for handling complaints and file a description of this procedure with the Board. It would also be required to notify all passengers and employees that it does not discriminate on the basis of handicap. If a person believed discrimination had occurred, however, a complaint could be sent to the Board in addition to being filed under the organization's own grievance procedures. We believe that persons generally ought to try to obtain satisfaction from the carrier before complaining to the Board, but the rules would not require this.

If it appears that a carrier is not complying with these rules, proposed § 382.26 would permit the Board to order suspension or termination of financial assistance or take other measures to ensure compliance. No termination or suspension of financial assistance could occur, however, without an opportunity for a hearing and a finding of noncompliance on the record. We anticipate in any case that most complaints alleging individual acts of discrimination would be handled under our customary enforcement procedures.

The goal of this proposal is accessibility of service to the handicapped without discrimination. Often, the discrimination that does occur is the result of ignorance rather than intention or neglect. For this reason, in the section of the proposed rule covering evaluation of existing practices, we would require carriers to make reasonable efforts to consult with handicapped persons and experts in the field in developing these programs. Such consultation and involvement could be informal or formal, and could involve organizations representing the handicapped or individuals. This would not only give carriers advice from those most familiar with the difficulties encountered by the handicapped, and with ways to resolve them, but it would also tend to head off potential complaints arising from misunderstanding on either side.

Comments are invited from carriers and others on the costs of complying with the various requirements of the proposed rule. Cost estimates should be as specific as possible, and should identify the particular requirements to which they apply. The Board also requests carriers, safety agencies, and other interested persons to provide information and documentation on particular safety problems that have arisen in the transportation of handicapped persons by air in the past, specifically including any incidents involving aircraft evacuation procedures.

Accordingly, the Civil Aeronautics Board invites comments on the issues discussed above and proposes to add a new Part 382 to Chapter II of Title 14, Code of Federal Regulations, to read:

PART 382—NONDISCRIMINATION ON THE BASIS OF HANDICAP

Subpart A—General Provisions

Sec.

Subpart B—Specific Requirements

Subpart C—Compliance

Authority: Executive Order 11914, 41 FR 17871, sec. 504 of the Rehabilitation Act of 1973, 86 Stat. 394; (29 U.S.C. 794). sec. 404 and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 760, 769; (49 U.S.C. 1374, 1381)

Subpart A—General Provisions

§ 382.1 Purpose.

The purpose of this part is to prevent unjust discrimination based on handicapping condition by air carriers and to implement section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance. The part established regulations to prohibit discrimination in air transportation against qualified handicapped persons, and to ensure: (a) That handicapped persons receive reasonable access to commercial air transportation, (b) that certain specific practices are prohibited, and (c) that certain specific changes in service are made. The part is designed to ensure that transportation of handicapped persons is integrated into the overall air transportation system as much as possible.

§ 382.2 Applicability.

This part applies to all certificated carriers and air taxi operators in their operations with aircraft of more than 30 seats in air transportation. [ALTERNATIVE PROPOSAL: This part would apply to all operations of these carriers, regardless of aircraft size, with possible exceptions from some provisions for operations with aircraft having 30 or fewer seats.]

§ 382.3 Definitions.

As used in this part the term:

"Carrier" includes (1) any holder of a certificate of public convenience and necessity issued by the Board authorizing the transportation of passengers, and (2) any air taxi operator (as defined in Part 298 of this chapter) *using aircraft with more than a 30-seat capacity.* [ALTERNATIVE PROPOSAL: Do not include the underlined words.]

"Conditions for air transportation" means the tender of payment for air transportation, the absence of any indication that air transportation of the passenger will jeopardize flight safety, and the absence of any indication that the pasenger is unwilling or unable to comply with reasonable requests of airline personnel. Any request of airline personnel that is inconsistent with this part will not be considered reasonable for the purposes of this definition.

"Facility" means all or any portion of a carrier's aircraft, buildings, structures, equipment, roads, walks, parking lots, and other real or personal property, normally used by passengers or prospective passengers, or interest in such property.

"Handicapped person" means a person who (i) has a physical or mental impairment that substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

"Qualified handicapped person" means a handicapped person who has

satisfied all the conditions for receiving air transportation services ("conditions for air transportation") that are required of the non-handicapped.

§ 382.4 Prohibition against discrimination.

A carrier shall not, on the basis of handicap, exclude any qualified handicapped persons from participation in, deny them the benefits of, or otherwise subject them to discrimination in the provision of air transportation or related services.

§ 382.5 General discriminatory practices.

(a) A carrier shall not directly or through contractual, licensing, or other arrangement, on the basis of handicap, provide air transportation or related services to qualified handicapped persons or to any class of qualified handicapped persons that are different or separate from that provided to others, unless that action is reasonably necessary to provide a qualified handicapped person with access to air transportation or related services or is requested by such a person.

(b) A carrier shall not on the basis of handicap deny a qualified handicapped person any air transportation or related services that are available to other passengers, even if there is separate or different service available for handicapped persons, unless such action is reasonably necessary to accommodate the handicapped passenger in order to comply with the conditions for air transportation.

Subpart B—Specific Requirements

§ 382.10 Accessibility.

Each carrier's facilities and services, when viewed in their entirety, shall be reasonably accessible to and usable by handicapped persons. It is not required that every facility or every part of the facilities for each flight be made accessible to or usable by handicapped persons.

§ 382.11 Availability of information.

(a) Carriers shall, in a timely manner, provide deaf passengers with necessary information by use of written material, signs, placards, flashing signal lights, or other means. Carriers shall establish a method for ensuring that deaf passengers receive necessary information in emergencies.

(b) Carriers shall make available to blind passengers in Braille the information that is provided to other passengers on printed emergency cards.

§ 382.12 Refusal of service.

(a) A carrier may refuse transportation to handicapped persons who are intoxicated by alcohol or drugs, who are seriously ill with a condition that may require immediate treatment, who have a contagious disease, who would endanger flight safety, or whose condition results in disruptive behavior by the handicapped person. Handicapped persons shall be presumed to meet all conditions for the provision of air transportation. A carrier shall not refuse transportation to a handicapped person in accordance with this paragraph unless it reasonably believes that the person does not meet those conditions. If the handicapped person presents a medical certificate from a licensed physician that the person is eligible for air transportation, a carrier shall not refuse transportation without compelling evidence to the contrary.

(b) A carrier may require a handicapped person who needs extraordinary care during flight, such as the services of a personal nurse or attendant, to be accompanied by such an attendant. A carrier shall not require an attendant for any other person, unless (1) that person would need substantial assistance to deplane in an emergency, and (2) the structure of the aircraft makes it physically impossible to seat that person where he or she would not obstruct the emergency deplaning of other passengers. A Carrier shall not require persons who are blind or deaf but not both, or persons who are unable to walk but who can deplane reasonably expeditiously in an emergency by using their arms, to have attendants for that reason.

(c) A carrier shall not refuse transportation to, or require attendants for, persons because they are unable to feed themselves, if they elect not to eat during the flight. A carrier shall not refuse transportation to, or require attendants for, persons because they are incontinent or persons who are unable to use the restrooms without assistance, if they have made adequate alternative arrangements for waste disposal.

(d) A carrier may refuse transportation to a person who will need extensive special assistance from the carrier, such as the provision of wheelchairs, oxygen, or mechanical boarding lifts, if the person fails to comply with advance, notice requirements established by the carrier in accordance with § 382.14(b).

§ 382.13 Guide dogs and personal equipment.

(a) Carriers shall allow blind and deaf passengers to be accompanied on aircraft by guide dogs.

(b) Carriers shall allow passengers using canes or crutches to keep those aids near them at all times except when prohibited by the Federal Aviation Regulations (Chapter I of this title).

(c) Carriers shall permit handicapped persons to take folding wheelchairs aboard and shall stow the wheelchairs in the passengers compartment, if on-board carriage will not violate the Federal Aviation Regulations or Department of Transportation regulations for the transportation of Hazardous materials (49 CFR Parts 172, 173, and 175).

(d) Carriers shall accept as baggage battery-powered wheelchairs and personal oxygen supplies of handicapped passengers to the extent permitted by Department of Transportation regulations for the transportation of hazardous materials.

§ 382.14 Availability of service and equipment.

(a) Carriers shall ensure the availability of:

(1) Necessary life-support systems, such as oxygen, for on-board use; and

(2) Personnel and equipment to assist in boarding, moving to restrooms, deplaning, baggage handling, and making ground connections, including ground wheelchairs, aisle chairs and, if necessary, mechanical boarding lifts.

(b) Carriers shall not establish advance notice requirements for the provision of special assistance unless that assistance is extensive. Carriers may establish reasonable advance notice requirements of up to 48 hours for the provision of extensive special assistance. For the purposes of this paragraph, carrier-provided wheelchairs, oxygen for on-board use, and mechanical boarding lifts will be considered extensive special assistance.

(c) Carriers may charge individuals using special assistance the costs of the assistance including a reasonable profit. Carriers shall not charge handicapped passengers for any special assistance unless all other passengers using the assistance are also charged for it.

(d) Carriers shall not insist upon providing special assistance to a handicapped person who does not request it, unless the assistance is reasonably necessary to physically accommodate the passenger or to enable the passenger to meet the conditions for air transportation.

§ 382.15 Carrier liability.

(a) Except as set forth in paragraph (b) of this section, carriers shall not condition the carriage of handicapped passengers or their baggage, including wheelchairs, on any waiver of liability for personal injury or property damage

or on any limitation of liability that is stricter than the limitations applied to all passengers and baggage.

(b) A carrier may insist upon a waiver of liability for injury that:

(1) Results from a handicap traveling with which presents an extraordinary hazard, and

(2) Occurs despite the exercise of due care by the carrier.

Subpart C—Compliance

§ 382.20 Assurance of compliance.

(a) Each carrier shall, upon request of the Board, submit a statement assuring that it complies with this part.

(b) Each carrier applying for Federal financial assistance from the Board shall, as a condition to approval of its application and payment of any claims, include in any application or claim an assurance that it will comply with this part.

§ 382.21 Carrier manuals.

(a) Each carrier shall maintain an employees' manual containing company rules for accommodating handicapped passengers. Two copies of the manual shall be filed with the Bureau of Consumer Protection, and any changes shall be filed within 15 days after adoption by the carrier.

(b) If the Board finds that any company rule set forth in the manual is at variance with any provision of this part, the Board may by order modify that rule to the extent necessary to conform it to this part.

§ 382.22 Evaluation and modification of practices.

(a) Each carrier shall, within 1 year after the effective date of this part:

(1) Evaluate its current policies and practices and their effects for compliance with this part, and notify the Board of the results of the evaluation;

(2) Establish a system for periodically reviewing and updating the evaluation; and

(3) Designate and forward to the Board the names, addresses, and telephone numbers of the persons responsible for the evaluation and the implementation of the timetable.

(b) In conducting the evaluation and in making any necessary modification of its policies and practices, each carrier shall make a reasonable effort to consult with and obtain the views of handicapped persons and experts on handicapping conditions.

(c) Each carrier shall, for at least 3 years after completing the evaluation required by paragraph (a)(1) of this section, maintain on file, make available for public inspection, and provide to the Board a description of areas examined, problems identified, modifications made, and remedial steps taken, and a summary of efforts made to consult with handicapped persons.

§ 382.23 Designation of responsible employees.

Each carrier shall, within 90 days after the effective date of this part, forward to the Director of the Bureau of Consumer Protection the name, address, and telephone number of at least one person designated to coordinate its efforts to comply with this part. The carrier shall similarly forward this information within 15 days after any subsequent designation.

§ 382.24 Adoption of complaint resolution plan.

Each carrier shall, within 180 days after the effective date of this part, (a) adopt a plan that provides for the prompt and equitable resolution of complaints alleging any action prohibited by this part, and (b) file with the Director of the Bureau of Consumer Protection two copies of a description of the plan's procedures. Descriptions of any changes shall be filed within 15 days after adoption by the carrier.

§ 382.25 Complaints.

(a) If a person believes that he or she has been the victim of discriminatory action in violation of this part or applicable tariff rules, that person may file a compliant under the carrier's complaint resolution plan established under § 382.24 or with the Board.

(b) The Board will inform the secretary of Transportation of any complaint that it receives about alleged discrimination on the basis of handicap.

§ 382.26 Procedures for noncompliance.

(a) If a carrier fails to comply with this part, the Board may order suspension or termination of, or refuse to grant or continue, Federal financial assistance or may use any other means authorized by law to ensure compliance.

(b) No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until the Board has:

(1) Informed the carrier of the failure to comply and determined that compliance cannot be accomplished by voluntary means,

(2) Granted the carrier an opportunity for a hearing, and

(3) Found a failure by the carrier to comply with a requirement of this part.

(c) The Director of the Bureau of Consumer Protection is authorized to institute proceedings for the enforcement of this part.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-17540 Filed 6-5-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 570]

[Docket No. R-79-671]

Community Development Block Grants, Small Cities Program

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Transmittal of Interim Rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street SW., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS, SMALL CITIES PROGRAM

This interim rule would revise 24 CFR Part 570, Subpart F, to incorporate changes necessary for operation by HUD of the Small Cities Community Development Block Grant Program. The revisions are intended to clarify portions of the regulations that have caused some confusion in the past and to permit earlier filing by applicants in Federal Fiscal Year 1980. This will give approved applicants greater flexibility in planning their schedules and an

earlier startup time for projects, and it will enable the Department to review and approve Fiscal Year 1980 applications in a timely manner.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978.)

Issued at Washington, D.C., May 31, 1979.

Jay Janis,

Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 79-17533 Filed 6-5-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Ch. VII]

Intent To Prepare a Draft Environmental Impact Statement (EIS) for the Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Notice of Intent to Prepare a Draft EIS.

SUMMARY: The proposed action is to implement program administration policies under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

Major alternatives which will be considered by the Office of Surface Mining include:

a. No action;

b. Alternative Federal funds allocation policies;

c. Alternative reclamation performance guidelines;

d. Alternative State plan development and approval policies.

Other alternatives will be developed after all comments from the scoping meetings have been evaluated.

DATES: Written statements must be received by July 2, 1979, at the addresses below by no later than 5 p.m.

ADDRESSES: Written statements must be mailed or hand delivered to the OSM office nearest the location where the scoping meeting will be held. OSM will accept written statements up to 2 weeks after the date of the last scoping meeting.

The addresses and telephone numbers are:

OSM Headquarters, Department of the Interior, South Building, Room 120, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, 202-343-4728

OSM Region I, First Floor, Thomas Hill Building, 950 Kanawha Boulevard, Charleston, West Virginia 25301, 304-342-8125

OSM Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902, 615-637-8060

OSM Region III, Federal Building & U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204, 317-269-2609

OSM Region IV, Scarritt Building, 5th Floor, 818 Grand Avenue, Kansas City, Missouri 64106, 913-374-5162

OSM Region V, Post Office Building, 1823 Stout Street, Denver, Colorado 80205, 303-837-5511

FOR FURTHER INFORMATION CONTACT: Jim Evans, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, telephone: 202-343-4057.

SUPPLEMENTARY INFORMATION: Scoping meetings intended to raise the relevant issues to be addressed by the EIS, will be held the week of June 11-18 in five locations. The dates and locations are as follows:

June 14, 1:30 PM

Region I, Charleston, Charleston National Bank, Auditorium, Room 412, Virginia & Capitol Streets, Charleston, WV 25301

June 13, 1 PM

Region II, Knoxville, Hyatt Regency Hotel, Henry Polk Room

June 13, 1 PM

Region III, Indianapolis, Federal Building & Court House, 46 East Ohio Street, Room 402

June 18, 1-4 PM

Region IV, Kansas City, 601 East 12th Street, Room 147/8

June 13, 9:30 AM

Region V, Denver, Denver Post Office Bldg., 1823 Stout Street, 2nd Floor Conference Room

The participation of the public and all interested government agencies is invited. Individual comments at the meetings will be limited to 15 minutes. A stenographer will be present to record all comments. Filing of a written statement at the time of giving oral comments would be helpful and would ensure proper consideration. Submission of written statements in advance of the meeting date, whenever possible, would greatly assist OSM officials who will attend the meetings. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked to clarify or elicit more specific information from the person testifying.

Availability of Documents. OSM has prepared a Title IV Program Information Package which outlines the Title IV Program and the policy issues involved. Copies of the Program Information Package are available for inspection and may be obtained at all OSM offices listed above. OSM seeks public comment on the Program Information Package either by submission of a written statement or by oral testimony at the meetings.

The impact analysis process will comply with the new Council on Environmental Quality (CEQ) regulations on the preparation of EIS's and other applicable Federal and State laws.

Dated: June 1, 1979.

Walter N. Heine,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 79-17558 Filed 6-1-79; 4:25 pm]

BILLING CODE 4310-05-M

FEDERAL MARITIME COMMISSION

[46 CFR Parts 536, 538]

[Docket No. 79-58]

Dual Rate Contract Systems in the Foreign Commerce of the United States—Rate Increases on Less Than Ninety Days' Notice

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rule.

SUMMARY: The Federal Maritime Commission proposes to enact rules pursuant to sections 14b, 18(b)(4) and 43 of the Shipping Act, 1916 (46 U.S.C. 813a, 817 and 841a) to amend and clarify Article 14 of the Uniform Merchant's Contract contained in Subpart B of Part 538 of the Commission's Rules (46 CFR 538.10). The Commission also proposes to enact a new § 536.18 of its tariff filing Rules (46 CFR Part 536) which would specify the time and manner in which carriers seeking to invoke Article 14 of the Uniform Merchant's Contract must justify such action to the Commission.

DATES: Comments (original and 15 copies) on or before July 6, 1979.

ADDRESS: Send Comments to: Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Assistant Secretary, Room 11101, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTAL INFORMATION: Section 14b of the Shipping Act, 1916 (46 U.S.C. 813a) authorizes the Commission to permit the use of dual rate contracts provided that such contracts contain certain express provisions. The

provision required by clause (2) of section 14b is that:

> * * * whenever a tariff rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or conference of carriers, it shall not be increased before a reasonable period, but in no case less than ninety days.

As the words, "insofar as it is under the control of the carrier" suggest, the imposition of rate increases on less than ninety days' notice may be permissible in some circumstances. In *The Dual Rate Cases*, (8 F.M.C. 16 (1964)), the Commission prescribed the clauses that it would require carriers to use in their dual rate contracts if they wished to provide for rate increases on less than ninety days' notice.[1] These clauses subsequently were adopted as articles 14(a) through 14(c) of the Uniform Merchant's Contract promulgated by the Commission in Part 538 of its Rules (46 CFR 538.10) (General Order 19, 31 FR 12524, Sept. 22, 1966).

A. Uniform Merchant's Contract—Present Form

Articles 14(a) and 14(b) of the Uniform Merchant's Contract, in their present form, allow carriers to suspend the Contract, or to file rate increases on as little as fifteen days' notice, "[i]n the event of war, hostilities, war-like operations, embargoes, blockades, regulations of any governmental authority pertaining thereto, or any other official interferences with commercial intercourse arising from the above conditions, which affect the operations * * *" of the carrier. Article 14(c), in its present form, allows rate increases on not less than *thirty* days' notice,[2] "[i]n the event of any extraordinary conditions not enumerated in Article 14(a), which conditions may unduly impede, obstruct, or delay the obligations of the Carrier * * *", but does not allow suspension of the contract by the conference though it does allow suspension by the shipper.

Articles 14(a) through 14(c) generally have been interpreted narrowly by the Commission,[3] and the Commission has indicated that cost increases, as such, do not normally fall within the ambit of "extraordinary conditions;" within the meaning of Article 14(c).[4]

B. Proposed Amendments to Uniform Merchant's Contract

It is the Commission's perception that Article 14 of the Uniform Merchant's Contract, in its current form, may not be sufficiently responsive to the situation facing many carriers confronted with severe, sudden, and unforeseen cost increases. The recent surge in bunkering costs is a prime example of this situation, although the problem is not necessarily limited to fuel costs.

The proposed Rules would amend Article 14(c) to allow for the direct pass-through of sudden, severe and unforeseen cost increases. Because sudden and severe cost increases can create serious cash flow problems for carriers, the minimum notice allowed by Article 14(c) would be proposed to be reduced to fifteen days through comment is invited on a reduction of the notice period to thirty as well as fifteen days. In keeping with existing Commission case law,[5] the carrier would be required to demonstrate that the cost increases are beyond its control, and were not reasonably foreseeable through the exercise of a high degree of diligence. Rate increases on less than ninety days' notice are allowed only as emergency measures to afford the carrier temporary relief during the 90 day notice period required for dual rate contracts. To reflect the interim nature of rate increases on less than ninety days' notice, such increases will be required to expire ninety days from their date of filing, at which time the fully noticed rate increases, if filed simultaneously with the emergency application, will become effective.

Additionally, the cost increases must be "severe," *i.e.*, they must present a serious financial threat to the carrier's ability to continue operation in the affected trades. While Article 14(c) does not attempt to define the requisite level of "severity," it is properly invoked only in the case of cost increases which drastically affect a major component of the carrier's overall cost structure, such as fuel costs. Minor cost increases could not be "passed through" to the shipper on short notice under Article 14(c), and major cost increases could be the subject of an emergency filing under Article 14(c) no more often than once every thirty days. This thirty day requirement is designed to protect shippers from a welter of piecemeal increases, and to allow the Commission ample time for a meaningful assessment of each emergency application filed.

The means by which the carrier is required to justify a rate increase on less than ninety days' notice are specifically enumerated in the proposed amendments to the tariff Rules. These amendments prescribe specific minimum filing requirements for carriers wishing to impose rate increases on less than ninety days' notice. The Commission will rely upon this information in deciding whether or not to reject the tariff filing, although it may, in its discretion, seek further information from the filing carrier. The burden of proof to justify a rate increase on less than ninety days' notice rests with the carrier.

Article 14(a) would be amended to cover *all* sudden and unforeseen events that hinder the carrier's operations. As presently worded, Article 14(a) does not include natural disasters. The new Article 14(a) includes Acts of God, and focuses not upon the source of the disaster, but upon its impact on the carrier. Article 14(a) is not applicable unless the ability of the carrier to *operate* is impaired.

C. Proposed Amendments to Tariff Filing Rules

The Commission proposes to adopt a new section 536.18 to specify filing procedures for rate increases sought under Article 14(c) of the Uniform Merchant's Contract. These filing requirements are in addition to the other requirements as to tariff form contained in Part 536.

Attachment (1) to § 536.18(b) represents a proposed format for the submission of data to justify emergency rate increases designed to meet sudden and unforeseen fuel cost increases. This format can be readily adapted to cover emergency rate increases other than fuel surcharges which may arise due to sudden and unforeseeable circumstances. Attachment (1) contemplates the imposition of emergency surcharges on a dollar per revenue ton basis rather than on a percentage basis. The Commission wishes to prescribe a data collection form(s) that will require the submission of sufficient evidence to constitute a prima facie showing to the Commission that the amount of revenue to be reaped

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[1] The Commission's authority to prescribe the terms of dual rate contracts was upheld in *Pacific Coast European Conference v. Federal Maritime Commission*, 350 F.2d 197 (9th Cir. 1965), *cert. denied* 382 U.S. 958 (1965).

[2] Article 14(c) does not specifically mention thirty days, but states that "* * * nothing in this Article shall be construed to limit the provisions of section 18(b) of the Shipping Act, 1916, as amended, in regard to the notice provisions of rate changes." Section 18(b) of the Shipping Act, 1916 (46 U.S.C. 817) requires thirty days notice of rate increases, except where the Commission grants special permission, for goods cause shown, to give lesser notice.

[3] *See, e.g., Atlantic and Gulf Coast/West Coast of South America Conference*, 14 F.M.C. 166 (1970), and *Surcharge of North Atlantic Westbound Freight Association*, 14 F.M.C. 292 (1971).

[4] In the *Atlantic and Gulf Coast* case, 14 F.M.C. at 170, the Commission indicated that "where such conditions as rising salaries, costs of vessels, fuel or increased stevedoring expense require additional freight revenue, then 90 days notice is required because the carrier is expected to anticipate these needs." [emphasis deleted].

[5] *See, e.g., Surcharge at U.S. Atlantic and Gulf Ports*, 10 F.M.C. 13, 22 (1966).

from a rate increase on less than ninety days' notice will not exceed the amount of cost increase properly allocable to the affected cargo. At the same time, the Commission wishes to avoid a format that will be unduly burdensome to carriers or unwieldy to administer. The Commission therefore is particularly desirous of comments from carriers, shippers, and other interested parties concerning the adequacy of the proposed format as a vehicle to generate sufficient data to evaluate the justification of rate increases under Article 14(c) of the Uniform Merchant's Contract.

Section 536.18 would provide the exclusive means by which carriers may impose rate increases on less than ninety days' notice under Article 14(c) of the Uniform Merchant's Contract. The term, "rate increases" includes any increase in rates, regardless of whether it is designated as a rate increase, a surcharge, an arbitrary, or some other name. Section 536.18 does not apply to currency surcharges, however, because separate and adequate filing requirements concerning such surcharges are already in effect in § 538.4.

In the case of conferences or other groups of carriers, the surcharge to be permitted that conference or group will be that required by the member carrier of the conference or group which by its own justification, requires the lowest rate increase to pass through 100% of its increased costs. This requirement would prevent any conference or group member from receiving a windfall on the basis of a higher cost increase incurred by another conference or group member.

As indicated by subparagraph (e) of § 536.18, the Commission's failure to reject a tariff filing does not constitute a finding by the Commission that the rate increase is justified or permissible. The failure of the Commission to reject a rate increase filed on less than ninety days' notice will allow the rate to go into effect, but the rate increase still is subject to an investigation and possible granting of relief to shippers under section 22 of the Shipping Act, 1916 (46 U.S.C. 821) upon complaint by an affected shipper, or on the Commission's own motion. The purpose of § 536.18 is to require the carrier to make a prima facie showing that it is proceeding in accordance with Article 14(c) of the Uniform Merchant's Contract in imposing a rate increase on less than ninety days' notice. Shippers may comment on this prima facie showing provided they do so no later than five days prior to the effective date of the emergency rate increase. After the rate increase goes into effect, shippers are limited to complaint proceedings. However, the Commission is free to investigate such increases on its own motion even after such increases have gone into effect.

Therefore, pursuant to sections 14b, 18(a)(4) and 43 of the Shipping Act, 1916 (46 U.S.C. 813a, 817 and 841a), the Commission proposes to enact a new § 536.18, and to amend existing § 538.10 of Title 46 CFR, as follows:

§ 536.18 Filing Procedures for Rate Increases Under Dual Rate Contracts On Less Than Ninety Days' Notice.

(a) Any carrier or conference of carriers seeking to invoke any provision contained in Article 14(c) of the Uniform Merchant's Contract set out in Subpart B of Part 538 of the Commission's Rules (46 CFR 538.10) must file a justification in the form of Appendix (1) to this section. This justification must be filed simultaneously with any rate increase proposed under Article 14(c) of the Uniform Merchant's Contract which provides less than ninety days' notice to affected shippers.

(b) Any rate increase under a dual rate contract providing less than ninety days' notice to affected shippers will expire ninety days from its filing date.

(c) Any rate increase under a dual rate contract providing less than ninety days' notice to affected shippers which is not filed in accordance with this section is subject to rejection under the procedures of § 536.10(d). Any rate increase sought under Article 14(b) or 14(c) of the Uniform Merchant's Contract which provides less than fifteen days' notice to affected shippers shall be rejected.

(d) Any rate increase under a dual rate contract providing less than ninety days' notice to affected shippers is subject to rejection under the procedure of § 536.10(d) if:

(1) The amount of projected yield to the carrier or carriers from the rate increase is greater than the projected cost increase of the carrier or carriers. In the case of a group of carriers, the conference surcharge may be no greater than that required by the carrier who experiences the lowest relevant cost increase.

(2) The cost increase was reasonably foreseeable by the filing carrier in the exercise of high degree of diligence;

(3) The cost increase was or is within the control of the filing carrier or carriers; or

(4) There is a failure to submit the justification required in Appendix A simultaneously with the surcharge application.

(5) The information filed as justification by the carrier under § 536.18(a) is inadequate or significantly and demonstrably in error.

(e) The Commision's failure to reject any rate increase filing under this section does not constitute a finding by the Commission that the rate increase is justified.

Articles 14(a)–(c) of the Uniform Merchant's Contract, 46 CFR 538.10, shall be amended to read as follows:

§ 538.10 Uniform Contract.

* * * * *

14. (a) In the event of war, hostilities, warlike operations, embargoes, blockades, Acts of God, regulations of any governmental authority pertaining thereto, or any other official interferences with commercial intercourse arising from the above conditions which adversely affect the operations of any of the Carriers in the trade covered by this contract, the Carrier(s) may suspend the effectiveness of this contract with respect to the operations affected and shall notify the Merchant of such suspension. Upon cessation of any cause(s) of suspension set forth in this Article and invoked by any Carrier(s), said Carrier(s) shall forthwith reassume its (their) rights and obligations hereunder and notify the Merchant on fifteen (15) days' written notice that its suspension is terminated.

(b) In the event of any of the conditions enumerated in Article 14(a), the Carrier(s) may increase any rate(s) affected thereby, in order to meet such conditions, in lieu of suspension. Such increase(s) shall be on not less than fifteen (15) days' written notice to the Merchant, who may notify the Carrier(s) in writing not less than one (1) day before such increases are to become effective of its intention to suspend this contract insofar as such increase(s) is (are) concerned, and in such even the contract shall be suspended as of the effective date of such increase(s), unless the Carrier(s) shall give notice, to be confirmed immediately in writing, such increase(s) have been rescinded and canceled.

(c) In the event of any extraordinary conditions not enumerated in Article 14(a), including severe, sudden and unforseen cost increases, which conditions may unduly impede, obstruct, or delay the obligations of the Carrier(s), the Carrier(s) may increase any rate(s) affected thereby in order to meet such conditions: *Provided, however,* That no increase shall become effective on less than fifteen (15) days written notice to the Merchant who may, not less than one (1) day before the increase(s) are to become effective, notify the Carrier(s) that this contract shall be suspended, insofar as the increases are concerned, as of the effective date of the increase, unless the Carrier(s) shall give notice, to be confirmed in writing, that such increase(s) have been rescinded and canceled. Any rate increase(s) filed by a Carrier(s) on less than ninety (90) days' notice will be rejected by the Federal Maritime Commission unless accompanied by an application submitted in accordance with the Commission's filing procedures, 46

CFR 536.18, which application shall make a *prima facie* showing that cost increases necessitating the subject rate increase(s) are not under the control of the Carrier(s) and could not reasonably have been foreseen by the Carrier(s) in the exercise of a high degree of diligence, and that the amount of the proposed increase(s) will not produce revenues greater than the cost increases. Merchant signatories to this contract shall have the right to file protests of any rate increase(s) proposed under this Article. In order for such protests to be considered in connection with a Carrier(s)' *prima facie* showing, such protests shall be filed with and received by the Commission no less than five (5) days prior to the effective date of such rate increase(s). Copies of such protests shall be transmitted, simultaneously, to the Carrier(s). Any rate increase(s) to meet extraordinary conditions described herein shall expire no more than ninety (90) days from the date of filing, or shall be withdrawn when such conditions no longer exist and the Carrier(s) has (have) recouped the cost increases resulting from such extraordinary conditions, whichever occurs first. When any rate increase is filed pursuant to this Article, no subsequent increase arising from the same extraordinary conditions may be filed for a period of thirty (30) days after such filing.

By the Commission.

Francis C. Hurney,

Secretary.

BILLING CODE 6730-01-M

CARRIER APPLICATION FOR INTERIM BUNKER FUEL SURCHARGE
FOR IMPLEMENTATION ON LESS THAN 90 DAYS' NOTICE

Carrier _____ Conference _____

Conference Memberships in all U. S. Trades _____, _____

_____, _____, _____, _____

Range of Ports _____, _____, _____.

Contract No. applicable to this surcharge application _____.

FMC Tariff No(s). _____.

Filing Date _____. For implementation in _____ days.

Expiration Date _____. Short notice effective date _____.
(90 days from filing date)

Costs:

1. Present fuel cost per unit[1/] $_____ per _____
2. Base average fuel cost[2/] $_____
3. Increase in fuel cost per unit (1 - 2) $_____

Tonnage:	Service[3/]	Dual Rate Contract	
4. Projected revenue tons to be carried in 90-day period from filing date	a._____	b._____	
5. Projected revenue-ton miles[4/] to be carried for same period as #4 above	a._____	b._____	
6. Projected revenue-ton mile relationship (5b ÷ 5a)			_____%
7. Actual revenue tons carried during same 90-day period in preceding year	a._____	b._____	
8. Actual revenue-ton miles[4/] carried for same period as #7 above	a._____	b._____	
9. Actual revenue-ton mile relationship for same period as #7 above (8b ÷ 8a)			_____%
10. Difference between actual and projected revenue-ton mile relationships (9 - 6)			_____%

Explain variations of 10% or more (10 ÷ 9) _____%

Fuel Consumption:	Service[3]	Dual Rate Contract
11. Projected fuel consumption for 90-day period from filing date (11b = 11a x 6)	a.____	b.____
12. Actual fuel consumption[5] for same period as #7 above (12b = 12a x 9)	a.____	b.____
13. Difference between actual and projected fuel consumption	a.____	b.____
(Explain variations of 10% or more)		

14. Total projected increased fuel costs for 90-day period from filing date (3 x 11b) $____

15. Surcharge per revenue ton needed to cover increased costs in subject dual-rate contract (14 ÷ 4b) $____

Justification and Adjustments:

16. Revenue collected under each prior surcharge in effect during 90-day period ending at closest possible date to filing date but not more than 30 days prior to filing date $____

17. Projected revenue needed to recover increased costs for period in #16 above $____

18. Difference between actual revenue collected and projected revenue needed to cover increased costs (16 - 17) $____

19. Surcharge adjustment per revenue ton (18 ÷ 4) $____

20. Adjusted surcharge (15 + 19) $____

CERTIFICATION

(See Exhibit A)

BILLING CODE 6730-01-C

Instructions

(1) Present average fuel cost per unit is computed by adding all fuel bills for all vessels in the service for the 10-day period commencing not more than 20 days preceding filing date of the surcharge application, and dividing by total units purchased. Supporting evidence consists of copies of all invoices used for this computation.

(2) Weighted average fuel cost per unit for units purchased in the service [3] for a consecutive 30-day period commencing not more than 90 days prior to the filing date of the subject surcharge or the date of the last general rate increase, whichever is later.

(3) A voyage "in the service" refers to any voyage on which any cargo is carried under the subject dual rate contract.

(4) Revenue-ton miles are computed by multiplying the revenue tons carried between each port of origin and destination, multiplied by the number of nautical miles representing the shortest navigable distance between the two ports, and totaling the products thereof. Supporting schedules should show the computation for each port pair.

(5) Actual fuel consumption is computed by adding all fuel bills for vessels in the service during the relevant period. Supporting evidence consists of copies of all invoices used for this computation.

BILLING CODE 6730-01-M

CONFERENCE APPLICATION FOR INTERIM BUNKER FUEL SURCHARGE

FOR IMPLEMENTATION ON LESS THAN 90 DAYS' NOTICE

Conference _____

Range of Ports _____.

Contract No. applicable to this surcharge application _____.

FMC Tariff No(s). _____.

Filing Date _____. For implementation in _____ days.

Expiration Date _____. Short notice effective date _____.
(90 days from filing date)

	Carrier A	Carrier B	Carrier C	Aggregate	Average
1. Average fuel cost increase per unit over next 90 days (3)	$____	$____	$____	$____	$____
2. Estimated fuel consumption in subject dual-rate trade (11b)	____	____	____	____	____
3. Average total increased costs over next 90 days (14)	$____	$____	$____	$____	$____
4. Estimated revenue-ton miles to be carried in trade in 90-day period from filing date (5b)	____	____	____	____	____
5. Surcharge per revenue-ton needed to cover increased fuel costs (15)	$____	$____	$____	$____	$____
6. Surcharge adjustment per revenue ton (19)	$____	$____	$____	$____	$____
7. Adjusted surcharge (20)	$____	$____	$____	$____	$____

CERTIFICATION

(See Exhibit B)

NAME OF CARRIER, OR CARRIERS
APPLICATION FOR INTERIM BUNKER FUEL SURCHARGE

EXHIBIT A

Name, title, telephone number and address of the person to be contacted concerning this application:

Name: _____ Title: _____

Telephone Number: _____ Telex: _____

Office Address: _____

OATH

_____)
_____)
_____)

(To be made by the officer having control of the accounting of the respondent)

_____ makes oath and
(Insert here the exact legal title or name of the affiant)
says that he is _____ of
(Title of Affiant)

_____
(Insert here the exact title or name of the carrier or conference or group of carriers) that it is his duty to have supervision over the books of account of the respondent and to control the manner in which such books are kept; that he has carefully examined the attached application and to the best of his knowledge and belief the entries contained in the said application have, so far as they relate to matters of account, been accurately taken from the said books of account and are in the exact accordance therewith; that he believes that all other statements of fact contained in said application are true, and that the said application is a correct and complete statement of the business and affairs of the above-named carrier or carriers with respect to the activities described during the period of time from and including _____, 19____, to and including _____, 19___.

_____

Subscribed and sworn to before me, a _____, in and for _____, this _____ day of _____, 19_____ My Commission expires _____

_____
(Signature of officer authorized to administer oaths)

SEAL

EXHIBIT B

CERTIFICATION
NAME OF CONFERENCE
APPLICATION FOR INTERIM BUNKER FUEL SURCHARGE

Name, title, telephone number and address of the person to be contacted concerning this application:

Name: _____ Title: _____

Telephone Number: _____ Telex: _____

Office Address: _____

OATH

(To be made by a principal or chief executive officer of the conference)

_____)
_____)
_____)

_____ makes oath and
(Insert here the exact legal title or name of the affiant)
says that he is _____ of _____
(Title of Affiant)
_____
(Insert here the exact name of the conference)
that he has carefully examined the attached application and to the best of his knowledge and belief the entries and representations contained in said application are accurate and correct and that said application reflects a correct and complete statement of the business and affairs of the conference with respect to the need for rate increases relating to increased fuel costs during the period of time from and including _____, 19__, to and including _____, 19__.

_____

Subscribed and sworn to before me, a _____, in and for _____, this _____ day of _____, 19__.
My Commission expires _____.

_____
(Signature of officer authorized to administer oath)

SEAL

EXHIBIT C

CERTIFICATION

Name: _____ Title: _____

Telephone Number: _____ Telex: _____

Office Address: _____

OATH

_____)
_____) ss:
_____)

(To be made by a principal or chief executive officer of the carrier or carriers)

_____ makes oath and says that he is
(Legal Title & Name of Affiant)

_____ of
(Chief Executive Officer) (President) (Chairman of the Board)

_____; That he participated as a member of the
(Carrier or Carriers)

decision-making body of _____ responsible for establishing
(Carrier or Carriers)

the rates of _____ during the ninety day period prior to
(Carrier or Carriers)

the filing of the attached application, and that neither he nor, to the best of his knowledge and belief, any other member of said decision-making body had notice or knowledge of the conditions or cost increases described in the attached application prior to _____, and that such cost
(Date)

increases were and are wholly beyond the control of _____,
(Carrier or Carriers)

except as noted below.

_____

Subscribed and sworn to before me, a _____, in and for _____, this _____ day of _____, 19_____. My Commission expires _____

_____
(Signature of officer authorized to administer oaths)

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 0]

[Docket No. 21271; FCC 79-289]

Permitting Administration of Written Examinations in Spanish for Radiotelephone Third Class Operator Permit and Broadcast Endorsement

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This action terminates the proceeding in Docket 21271 which proposed to make the examination for the Third Class Radiotelephone Operator Permit with Broadcast Endorsement available in the Spanish language. The examination was eliminated by the First Report and Order in Docket 20817 and the need for that examination in Spanish was therefore rendered moot.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Roy E. Kolly or Vernon P. Wilson, Regional Services Division, (202) 632-7240.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Part 0 of the Commission's rules to permit the administration of written examinations in the Spanish language for the Radiotelephone Third Class Operator Permit and Broadcast Endorsement. (See 43 FR 18748; May 2, 1978.)

Adopted: May 10, 1979.

Released: May 16, 1979.

1. On June 1, 1977, the Commission adopted a Notice of Proposed Rule Making in the above captioned matter to modify the Rules to permit the administration of the written examination for the Third Class Radiotelephone Operator Permit with Broadcast Endorsement in the Spanish language. This was the minimum class of operator authorization required to be held by persons performing routine operating duties at AM and FM broadcast stations.

2. On December 21, 1978, the Commission adopted a First Report and Order in Docket 20817 which reduced the minimum licensing requirement for the routine operation of all FM and most AM broadcast stations to a Restricted Radiotelephone Operator Permit which can be obtained without examination. The examination for the Broadcast Endorsement is no longer administered and therefore the need for that examination in the Spanish language is rendered moot.

3. In view of the foregoing and pursuant to the authority contained in Sections 4(i) and 303(l) of the Communications Act of 1934, as amended, it is hereby ordered that the proceeding in Docket 21271 is terminated.

4. Further information on this matter may be obtained from Roy E. Kolly or Vernon P. Wilson, Federal Communications Commission, Washington, D.C. 20554, telephone 202-632-7240.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-17491 Filed 6-5-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 18]

[Docket No. 20718]

Industrial, Scientific and Medical Equipment; Overall Revision

AGENCY: Federal Communications Commission.

ACTION: Extending time to file reply comments.

SUMMARY: An extension of time to file reply comments has been requested in Docket No. 20718. Because of the importance of this proceeding to both manufacturers and consumers, the Commission is granting the request. No objections have been received.

DATES: Reply comments must be received by July 1, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Don Olmstead, Office of Science and Technology (202-632-7073).

Adopted: May 24, 1979.

Released: May 29, 1979.

In the matter of Overall revision of Part 18 governing Industrial, Scientific, and Medical Equipment, Docket No. 20718, 44 FR 9771, February 15, 1979.

1. The General Electric Company (GE), has requested a 30-day extension of time within which to file reply comments in the above-captioned docket.

2. GE believes that certain international meetings (CISPR) being held this month in the Netherlands may provide additional needed information on the Commission's proposed procedures for testing and measuring ISM equipment.

3. Because of the importance of this proceeding to both the manufacturers and consumers, and to facilitate receiving the most definitive responses possible, an extension of time to July 1, 1979, for filing Reply Comments is hereby ordered pursuant to the authority granted by § 0.241(d) of the Commission's rules.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 79-17434 Filed 6-5-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-133; RM-3291]

FM Broadcast Station in Brush, Colo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of FM Channel 296A to Brush, Colorado, in response to a petition filed by Ranchland Broadcasting, Inc. The proposed channel could provide for a first local aural broadcast service to Brush.

DATES: Comments must be filed on or before July 30, 1979, and reply comments must be filed on or before August 20, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 29, 1979.

Released: June 4, 1979.

In the Matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Brush, Colorado), BC Docket No. 79-133, RM-3291.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by Ranchland Broadcasting, Inc. ("petitioner"), licensee of daytime-only AM Station KCMP, Brush, Colorado, proposing the assignment of Class A FM Channel 296A to Brush, Colorado, as its first FM assignment. No responses to the petition were received.

(b) The channel can be assigned in conformity with the minimum distance separation requirements.

[1] Public Notice of the petition was given on January 3, 1979, Report No. 1157.

2. *Community Data*—(a) *Location.* Brush, in Morgan County, is located 126 kilometers (78 miles) northeast of Denver.

(b) *Population.* Brush—3,377; Morgan County—20,105.[2]

(c) *Present Aural Broadcast Service.* Brush is served by local daytime-only AM Station KCMP, licensed to petitioner.

3. *Economic Considerations.* Petitioner asserts that Brush is currently experiencing business and industrial growth. Petitioner states that during the past year the Public Service Company of Colorado started construction on the largest generating plant in its system at Brush. In addition, a large livestock commission company reopened with a large volume of sales; a new company manufacturing electronic livestock scales has started production; and, several retail businesses have opened. Petitioner also notes that plans have been announced for a gasohol plant at Brush.

4. In light of the above information and the fact that the proposed FM channel assignment, if granted, would provide Brush with its first full-time local aural broadcast station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to Brush, Colorado, as follows:

City	Channel No.	
	Present	Proposed
Brush, Colorado	.....	296A

5. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 30, 1979, and reply comments on or before August 20, 1979.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

[2] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Philip L. Verveer,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-17493 Filed 6-5-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Parts 74 and 78]

[Docket No. 21505; FCC 79-310; RM-2208]

Requiring Type Acceptance for Transmitting Equipment Used in Bands A, B, and D by Television Auxiliary Stations; Also Proposing Standards To Govern the Radiation Characteristics of Antennas Used by Stations in CARS and Broadcast Auxiliary

AGENCY: Federal Communications Commission.

ACTION: Further Notice of Proposed Rule Making in Docket No. 21505.

SUMMARY: On March 1, 1978, the FCC released a combined Notice of Proposed Rule Making (NPRM) and Notice of Inquiry (NOI) in Docket No. 21505 proposing an expansion of the Cable Television Relay Service (CARS) band and requesting information relative to establishing similar technical standards for both the CARS and Broadcast Auxiliary Service (BAS).

Accordingly, this Further NPRM proposes similar technical standards for both CARS and BAS. Also, a requirement for type acceptance for transmitters in BAS is proposed for the first time.

DATES: Commentsmust be received on or before August 1, 1979 and Reply Comments must be received on or before August 31, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Melvin Murray, Spectrum Allocation Division, Office of Chief Engineer, (202) 632-6350.

In the matter of amendment of Parts 2 and 78 of the Commission's rules and regulations to expand the frequencies available for use by Cable Televisibn Relay Service Stations and, amendment of Parts 74 and 78 of the Commission's rules and regulations to set aside 13.15-13.20 GHz for usage by Television and Cable Television Relay Service Pickup Stations on a coequal basis and, an inquiry to determine public interest and need to establish similar technical

standards for both the Cable Television Relay Service and the Broadcast Auxiliary Service in the 12.7–13.20 GHz band. (See 43 FR 23616; May 31, 1978)

Adopted: May 17, 1979; Released: June 1, 1979.

1. A Notice of proposed Rule Making and Notice of Inquiry in Docket No. 21505 was adopted by the Commission December 21, 1977.[1] In that Notice, the Commission proposed expanding the Cable Television Relay Service (CARS) from 12.7–12.95 GHz to 12.7–13.20 GHz with coequal sharing of the entire band with the Broadcast Auxiliary Service (BAS). In the Inquiry section, it was requested that the public submit information relative to the merits of establishing like technical standards for both the Cable Television and Broadcast Auxiliary Service. An *Order* in this docket is being adopted today which allocates the 12.7–13.20 GHz band to CARS as proposed. This *Further Notice* considers the comments submitted relative to the *Inquiry* section and proposes type acceptance for transmitters used in Television Auxiliary Stations of the Broadcast Auxiliary Service operating in bands A, B, and D, pursuant to Section 74.602, and certain technical standards for both CARS and BAS. Transmitters used in CARS presently are required to be type accepted.

Type Acceptance

2. Comments that in particular addressed the Inquiry section of the Notice were received from American Broadcasting Companies, Inc. (ABC); A–R Telecommunications Division of Adams Russell (A–R); CBS, Inc. (CBS); Computer Cabevision, Inc.; Hughes Aircraft Company and Theta-Com of California (Hughes); Joint Comments; KTVY, Inc. (KTVY); Microwave Associates, Inc.; National Association of Broadcasters (NAB); National Broadcasting Company, Inc. (NBC); National Cable Television Association (NCTA); Teleprompter Corporation (Teleprompter), and Viacom International, Inc. (Viacom). All the aforementioned parties, with the exception of ABC, support the proposal to establish type acceptance requirements for equipment used in Television Auxiliary Broadcast Stations and similar technical standards for both these services.

3. In its opposing statement, ABC claims that "any major or significant change in the technical standards applicable to the Broadcast Auxiliary Service would visit an enormous cost and expense on the broadcasting industry for no discernible public benefit or purpose." In contrast, Viacom comments that "the public interest requires similar technical standards be established for both CARS and BAS." A–R indicates "besides the gains from efficient use of the frequency spectrum, systems will realize cost savings by the proposed modifications of the technical rules." Hughes recommends that the commission adopt "the most stringent requirements applicable to either CARS or BAS, and make those uniform standards applicable to both CARS and BAS." Other comments, in support, contained similar views.

4. In response to ABC's comments—it is not our intention to impose unreasonable technical standards on equipment used in this service or to require type acceptance for such equipment for no discernible public benefit. First, and foremost, the Commission desires to implement regulations, which are reasonable, to govern the operation of equipment capable of causing harmful interference to radio communications. Accordingly, to minimize interference to other users and concurrently, to maximize the use of the radio frequency spectrum, it is essential that adherence to certain technical standards be required. Consequently, the Commission's type acceptance program is a means to assure that such equipment meet, at a minimum, certain technical standards. It is in this light, that we disagree with ABC's statement of opinion that the imposition of technical standards would not be in the public interest.

5. In preparing this proposal, we have reviewed the technical standards now in effect for equipment operating under Part 78 which are the Rules governing the Cable Television Relay Service. We would like to bring these standards in line with those reflected by the state of today's technology, taking into account the need to maximize the efficient and compatible usage of the spectrum balanced, of course, by considerations to minimize any economic impact. The technical standards under Subpart F of Part 74 governing Television Auxiliary Broadcast Stations would accordingly be revised.

6. In particular we propose to tighten the current frequency stability from .02% to .005% for FM equipment using a 25 MHz authorized bandwidth under Part 78. Most of the equipment currently being offered for sale employs stabilities of this order magnitude. We believe therefore that this more rigid standard will not be a burden to new licensees.

7. No change is proposed for the power limits set out in Part 78. We do propose to delete the language in Section 78.10 regarding stations using FM to transmit a baseband of FDM signals. No equipment of this type, to our knowledge, has ever been manufactured due to its technical impracticality. Certain limits are proposed for equipment operating under Subpart F of Part 74. The limits being proposed have been chosen to accommodate propagation anomalies over long paths and to meet high reliability requirements. Of course, the actual power level authorized will in no case be in excess of that necessary to render satisfactory service.

8. For TV and Cable Pickup stations operating in the 12.7–13.25 GHz band we are proposing a limit of 250 milliwatts. This limit, we believe, is sufficient to satisfy most short-range applications and is representative of currently available equipments. However, since the Commission has authorized a limited number of TV pickup stations for power in excess of 250 milliwatts in bands A, B, and D, we further propose that such stations be allowed to continue operation provided that interference is not caused to other operations. In the event operation of such equipment causes harmful interference, the Commission would have the right to require the licensee to take such corrective action as is necessary to resolve the problem.

9. For purposes of conforming the technical standards of these two services, the following changes are proposed:

(a) In § 74.637, entitled *Emission and bandwidth*, the reference level for measuring the attenuation of emissions would be changed from "decibels below the unmodulated carrier" to "decibels below the mean power of the emission."

(b) A new § 74.669, to be entitled, *Modulation Limits*, would be added and is similar to the requirements in § 78.115.

10. To effectively control the interference potential of equipment used in these services we propose that such transmitting equipment be type accepted to the standards herein proposed. Accordingly, applicants for new television auxiliary broadcast and cable television relay station operating in Band D would not be accepted unless the equipment specified therein has been type accepted for use under Part 74 or 78. For new television auxiliary stations in Bands A or B, the equipment would be required to be type accepted to the standards herein proposed; or alternatively, type accepted to the standards of Parts 21, 81, 83, 87, 90, or 94 and further provided that output power limits do not exceed those herein

[1] 43 FR 9500, March 8, 1978.

proposed. However, equipment authorized to be used pursuant to an application accepted for filing prior to (one year after the effective date of these rules) would be permitted continued usage, provided that operation of such equipment does not cause harmful interference due to its failure to comply with the technical standards herein proposed. In any case, the Commission would, at its discretion, require the licensee to take such corrective action as it deems necessary. Transmitters used in TV Pickup stations for band D only, CARS pickup stations, and those under developmental authorization would be exempt from type acceptance. We don't expect that these lower-power equipments would significantly cause harmful interference.

Antennas

11. Also, in the *Inquiry* section of the *Notice* we requested information to assist in proposing rules and radiation characteristics to govern the operation of antennas used in both the BAS and CARS bands. We pointed out that in the Common Carrier Point-to-Point Microwave Service (Subpart I of Part 21) and Private Operational Fixed Microwave Service (Part 94) the Commission found it necessary to implement antenna performance standards to accomplish a more efficient use of the microwave spectrum. Under those rules there are two categories of performance standards (A and B). In areas of frequency congestion, category A antennas, exhibiting a higher degree of directivity, are required to be employed by stations. In less congested areas, less directive, category B antennas are permitted.

12. The comments received regarding antenna performance requirements were varied. CBS states that the specifications of Part 94 are reasonable and could be made applicable to fixed stations; however, it urges that no minimum antenna size be specified for television pickup stations operating in band D. NAB, NBC, and NCTA agree that there is merit to having standards for fixed station antenna systems, but not for pickup units. Hughes and Viacom suggest that a requirement for the use of high performance antennas in frequency congested areas is not justified. Hughes claims such rules "would place an undue and unnecessary economic burden on CATV operators and broadcasters, and would therefore not be in the public interest." In its comments, Viacom contends that "licensees should be allowed to choose the type of antenna to be used." Microwave Associates recommends the employment of antenna beamwidths not greater than 1.5 degrees to the 3 dB points in frequency congested areas. Outside of these areas it claims antenna beamwidths not greater than 2 degrees are sufficient.

13. NCTA and "Joint Comments" also addressed the matter of periscope antenna systems. NCTA argues that there are strong technical arguments against imposing restrictions on their use. It contends the higher attenuation characteristics of waveguide at 13 GHz make it unacceptable to feed parabolic antennas located on tall towers. "Joint Comments" contend that "circular or elliptical waveguide, which must be used for such long runs, is extremely expensive, and this additional cost again tends to negate the entire purpose of reasonable spacing of repeaters in longhaul systems."

14. With regard to the comments submitted by Hughes and Viacom, we agree that a requirement for use of the high performance antennas would not be justified. The cost of such antennas generally is three to four times that of standard performance antennas. High performance antennas do have excellent suppression characteristics such that simultaneous use of identical transmitter frequencies is possible at repeater stations. Also, in certain areas of extreme frequency congestion, use of this type antenna may overcome problems of interference. However, at the present time, we do not believe a requirement to mandate its general usage is necessary.

15. At present, there are technical rules governing antenna performance for stations in the Cable TV Relay Service. These are set out in Section 78.105. Fixed stations are required to use a directive antenna. Its maximum beamwidth in the horizontal plane between half power points of the major lobe may not exceed 3 degrees. For Television Auxiliary Broadcast stations, there are no rules at present governing the electrical characteristics of antennas.

16. In surveying antennas currently available from several manufacturers, we note in each case that the standard antenna, single polarization, for the 12.7–13.25 GHz band, meets the "A" or "B" performance standards set out in Section 94.75 for the 12.2–12.7 GHz frequency range. Moreover, a review of Commission records shows that the majority of licensees in the 12.7–13.25 GHz band are employing antennas with diameters not less than four feet, and in many instances, six feet or more. Generally, a four foot diameter parabloic antenna meets the category "B" standards; whereas, a six foot diameter antenna meets the category "A" standards. We, accordingly, believe that a proposal to include the 12.7–13.25 GHz band under the antenna performance standards set out in Part 94 to be appropriate.

17. The intent of these antenna performance requirements is to permit more antenna systems to be accommodated in areas with high concentration of microwave stations. For areas not yet congested use of category "B" antennas would be allowed until such time as congestion might require upgrading to category "A". Implementation of these particular standards is contributing to a more efficient utilization of the 12.2–12.7 GHz spectrum in the Private Operational-Fixed Microwave Service. Similarly, we believe that the adoption of these standards for the 12.7–13.25 GHz band would be beneficial in encouraging further spectrum efficiency.

18. We are exempting Pickup Stations from the proposed antenna performance requirements. Requiring a certain type antenna could restrict the mobility of these stations. We do not envision problems of interference due to the low-power limit placed on these stations.

19. We propose that periscope antenna systems in the 12.7–13.20 GHz band also be required to comply with the category "A" and "B" standards where applicable. We recognize that at the present time, demonstration of compliance with this requirement may not be realizable. Because radiation patterns associated with "periscopes" are generally difficult to predict or control, the usage of such antennas may lead to the possibility of interference to other stations. For this reason, the Commission finds it necessary to regulate their usage. However, the possibility exists that someone may develop data pertaining to the radiation pattern envelops of these antennas systems such that their performance could meet or exceed that of the illuminating parabola.

20. Accordingly, it is proposed that any new fixed station licensed, pursuant to applications accepted for filing prior to (the date of one year after the proposed antenna standards become effective) will be required to meet compliance within ten years of the effective date of the rules. Fixed stations licensed, pursuant to applications accepted for filing after (the date of one year after the proposed rules become effective) would be required to comply at the time of license with the proposed antenna standards.

Frequency Coordination

21. Because both CARS and BAS are to be sharing almost all of band D, we believe there is a need to propose certain requirements for coordinating frequency usage. The intent would be to reduce, as much as possible, the likelihood of harmful interference to existing, or proposed facilities. In brief, we would require all applicants to undertake such a coordination before submitting an application, or major amendment to an application, to the Commission. A statement would then accompany each application indicating all entities with which the technical proposal was coordinated. These proposed rules are accordingly set out in Section 74.632 (a)(1) and (a)(2) and § 78.18a of the Appendix.

22. Authority for the proposed rule making instituted herein is contained in Section 4(i), 303 and 403 of the Communications Act of 1934, as amended.

23. All interested person are invited to file written comments on the rule making proposal on or before August 1, 1979, and reply comments on or before August 31, 1979. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

24. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and 5 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

25. For additional information contact Mel Murray, Federal Communications Commission, Office of Chief Engineer, 2025 M Street, NW., Washington, D.C. 20554. Phone 202-632-6350.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Parts 74 and 78 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. Section 74.632 is amended by adding two new paragraphs, (a)(1) and (a)(2) as follows:

§ 74.632 Licensing requirements.

(a) * * *

(1) All applicants for Television Auxiliary Broadcast stations (Subpart F of Part 74) and Cable Television Relay stations (Part 78) in the 12.7–13.20 GHz band shall, before filing an application or major amendment to a pending application, coordinate proposed frequency usage with existing users in the area and other applicants with previously filed applications, whose facilities could affect or be affected by the new proposal in terms of radio frequency interference. All applicants, permittees and licensees are expected to cooperate fully and make reasonable efforts to resolve technical problems and conflicts that may inhibit the most effective and efficient use of the radio spectrum. The applicant shall identify in the application all entities with which the technical proposal was coordinated. Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures be taken to reduce the likelihood of harmful interference (such as the use of artificial site shielding) or to avoid a reduction of quality or capacity of either system, the details thereof shall be contained in the application.

(2) In the event that technical problems are not resolved among the applicants, existing licensees, or permittees, the Commission may, after notice and opportunity for hearing, require the appropriate parties to make such changes in operating techniques or equipment as it may deem necessary to avoid the likelihood of harmful interference and/or the reduction of quality or capacity of either system.

* * * * *

2. Section 74.636 is amended to read as follows:

§ 74.636 Power limitations.

(a) Transmitter peak output power shall not be greater than necessary, and in any event, shall not exceed the power listed in the table below; except as provided in paragraph (b) of this section.

	Power limit	Class of station
Band:		
A	20 watts	Fixed, mobile.
B	20 watts	Fixed, mobile.
D	5 watts	Fixed.
	250 milliwatts	Mobile.

(b) As an exception to paragraph (a) of this section, additional transmitter output power up to fifty (50) watts may be authorized for fixed and mobile stations in bands A and B and fixed stations in band D if such higher power is justified by a special showing which contains:

(1) A demonstration that the requested power will not cause harmful interference with any authorized or previously proposed station operating on co-channel or adjacent channel frequencies;

(2) A demonstration of the reasons why the applicant believes that an authorization of increased power is in, and will directly benefit, the public interest.

(c) Notwithstanding provisions elsewhere in this part, the power delivered by a transmitter to the antenna system in the frequency band between 12.70 and 12.75 GHz shall not exceed +10 dBW. Additionally, the maximum equivalent isotropically radiated power of a station in this band segment shall not exceed 55 dBW.[1]

3. Section 74.637, headnote and text are amended to read as follows:

§ 74.637 Emissions and emission limitations.

(a) Television broadcast auxiliary stations operating on frequencies above 1000 MHz may be authorized to employ any type of emission suitable for the transmission of the visual and aural and operational signals as may be permitted under the rules of this subpart. Continuous radiation of the carrier without modulation is permitted provided harmful interference is not caused to other authorized stations.

(b) The channels assigned to television broadcast auxiliary stations are designated by upper and lower frequency limits. Emissions outside of these frequency limits shall be attenuated as follows:

(1) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by between zero and 50 percent of the assigned channel width shall be attenuated at least 25 decibels below the mean power of the emission.

(2) Any emission appearing on a frequency above the upper channel limit or below the channel limit by between

[1] See Chapter I, Article I, Section III of the (International) Radio Regulations (Geneva, 1959), as amended, for Technical Characteristics Terms and Definitions.

50 percent and 150 percent of the assigned channel width shall be attenuated at least 35 decibels below the mean power of the emission.

(3) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by more than 150 percent of the assigned channel width shall be attenuated at least 43 + 10 $\log_{10}$ (power in watts) decibels below the mean power of the emission.

(c) In the event that interference to other stations is caused by emissions outside the authorized channel, the Commission may require greater attenuation than that specified in paragraph (b) of this section.

4. A new Section 74.641 is added to read as follows:

§ 74.641 Antenna requirements.

(a) For new fixed stations operating in Band D licensed pursuant to applications accepted for filing after (the date of one year after the effective date of these rules), the following rules apply:

(1) Fixed Broadcast Auxiliary stations shall use directional antennas that meet the performance standards indicated in the following table. Upon adequate showing of need to serve a larger sector, or more than a single sector, greater beamwidth or multiple antennas may be authorized. Applicants shall request, and authorization for stations in this service will specify the polarization of each transmitted signal.

Antenna standards

Frequency (in megahertz)	Category	Maximum beamwidth to 3dB (included angle in degrees)	Minimum radiation suppression at angle in degrees from centerline of main beam in decibels-						
			5 to 10 degrees	10 to 15 degrees	15 to 20 degrees	20 to 30 degrees	30 to 100 degrees	100 to 140 degrees	140 to 180 degrees
12,700-13,200	A	1.0	23 dB	28 dB	35 dB	39 dB	41 dB	42 dB	50 dB
	B	2.0	20 dB	25 dB	28 dB	30 dB	32 dB	37 dB	47 dB

NOTE.-- Stations in this service must employ an antenna that meets the performance standards for category A, except that, in areas not subject to frequency congestion antennas meeting standards for category B may be employed. Note, however, that the Commission may require the use of a high performance antenna where interference problems can be resolved by the use of such antennas.

(2) New periscope antenna systems will be authorized upon a certification that the radiation, in a horizontal plane, from an illuminating antenna and reflector combination meets or exceeds the antenna standards of this section. This provision similarly applies to passive repeaters employed to redirect or repeat the signal from a station's directional antenna system.

(3) The choice of receiving antennas is left to the discretion of the licensee. However, licensees will not be protected from interference which results from the use of antennas with poorer performance than identified in the table of this section.

(4) Pickup stations are to employ directional antennas, but are not subject to the performance standards herein stated.

(b) Any fixed station in Band D licensed pursuant to applications accepted for filing prior to (date specified to be one year after the effective date of these rules) may continue to use its existing antenna system, subject to periodic renewal until (date specified to be ten years after the effective date of these rules). All such stations operated after (10 years after effective date of rules) shall comply with the antenna requirements of this subpart.

5. A new Section 74.655 is added to read as follows:

§ 74.655 Type acceptance.

(a) Applications for new television auxiliary broadcast stations or systems will not be accepted unless the equipment specified therein has been type accepted for use pursuant to the provisions of this subpart except as follows:

(1) the equipment is to be operated in Bands A and B and has been type accepted under Parts 21, 81, 83, 87, 90 or 94 and does not exceed the output power limits specified in § 74.636; or

(2) the equipment is to be operated in Band D and has been type accepted under Part 78.

(b) Type acceptance is *not* required for transmitters used in conjunction with TV pickup stations operating in Band D only. However, pickup stations in Band D operating in excess of 250 milliwatts licensed pursuant to applications accepted for filing prior to the effective date of these rules may continue operation subject to periodic renewals. If operation of such equipment causes harmful interference the Commission may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(c) The licensee of a television auxiliary station may replace transmitting equipment with type accepted equipment, without prior Commission approval: *Provided,* the proposed changes will not depart from any of the terms of the station or system authorization or the Commission's technical rules governing this service: *And provided* further, that any change made to type accepted transmitting equipment shall be in compliance with the provisions of Part 2 of the Commission's Rules and Regulations concerning modification to type accepted equipment.

(d) Any equipment changes made pursuant to paragraph (c) of this section shall be set forth in the next application for renewal of license.

(e) Any manufacturer of a transmitter to be used in this service may apply for type acceptance following the procedure set forth in Part 2 of the Commission's Rules.

(f) An applicant for a television auxiliary broadcast station or system may also apply for type acceptance for an individual transmitter by following the type acceptance procedure set forth in Part 2 of the Commission's Rules and Regulations. Individual transmitters which are type accepted will not normally be included in the Commission's Radio Equipment List".

(g) All transmitters marketed for use under this Subpart shall be type accepted by the Federal Communications Commission. (Refer to Subpart I of Part 2 of the Commission's Rules and Regulations.)

(h) Television auxiliary broadcast station transmitting equipment authorized to be used pursuant to an application accepted for filing prior to (date specified to be one year after the effective date of these rules) may continue to be used by the licensee or its successors or assignees: *Provided, however,* If operation of such equipment causes harmful interference due to its failure to comply with the technical standards set forth in this subpart the Commission may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(i) Each instrument of authority which permits operation of a television auxiliary broadcast station or system using equipment which has not been type accepted will specify the particular transmitting equipment which the licensee is authorized to use.

6. Section 74.661, headnote and paragraph (a) are amended to read as follows:

§ 74.661 Frequency stability.

(a) The licensee of a television auxiliary broadcast station shall maintain the operating frequency of its station so that 99 percent of the sideband energy shall fall within the assigned channel.

* * * * *

7. Section 74.663, headnote and text are amended to read as follows:

§ 74.663 Modulation limits.

(a) If amplitude modulation is employed, negative modulation peaks shall not exceed 100 percent.

(b) For stations that employ FM transmission, the total excursion of the radio frequency carrier under modulation and the maximum modulation frequency must be maintained so that the authorized bandwidth is not exceeded in operation.

8. In Section 74.665 paragraphs (d)(1) and (d)(2) are amended to read as follows:

§ 74.665 Operator requirements.

* * * * *

(d) Television pickup stations may be operated in accordance with the following:

(1) Stations operating on frequencies in Band D or in Bands A and B with less than 250 mW, may be operated by any person whom the license shall designate. Pursuant to this provision, the designated person shall perform as the licensee's agent and proper operation of the station shall remain the licensee's responsibility.

(2) Television pickup stations operating in Bands A or B, with nominal transmitter power in excess of 250 milliwatts, may be operated by any person whom the licensee shall designate: *Provided that,* a person holding a valid radio-telephone first-class or radiotelephone second-class license is on duty at the receiving end of the circuit to supervise operation and immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed.

* * * * *

9. A new § 74.669 is added to read as follows:

§ 74.669 Station inspection.

The licensee of each television auxiliary broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

PART 78—CABLE TELEVISION RELAY SERVICE

1. A new Section 78.18a is added to read as follows:

§ 78.18a Frequency coordination.

(a) All applicants for Television Auxiliary Broadcast stations (Subpart F of Part 74) and Cable Television relay stations (Part 78) in the 12.7–13.20 GHz band shall, before filing an application or major amendment to a pending application, coordinate proposed frequency usage with existing users in the area and other applicants with previously filed applications, whose facilities could affect or be affected by the new proposal in terms of radio frequency interference. All applicants, permittees, and licensees are expected to cooperate fully and make reasonable efforts to resolve technical problems and conflicts that may inhibit the most effective and efficient use of the radio spectrum. The applicant shall identify in the application all entities with which the technical proposal was coordinated. Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures be taken to reduce the likelihood of harmful interference (such as the use of artificial site shielding) or would result in a reduction of quality or capacity of either system, the details thereof shall be contained in the application.

(b) In the event that technical problems are not resolved among the applicants, existing licensees, or permittees, the Commission may, after notice and opportunity for hearing, require the appropriate parties to make such changes in operating techniques or equipment as it may deem necessary to avoid the likelihood of harfmful interference.

2. Section 78.101 is amended to read as follows:

§ 78.101 Power limitations.

(a) With the exception of pickup stations, transmitter peak output power shall not be greater than necessary, and in no event, shall exceed 5 watts on any channel; except as provided in paragraph (b) of this section.

(b) As an exception to paragraph (a) of this section, additional transmitter output power may be authorized up to fifty (50) watts if such higher power is justified by a special showing which contains:

(1) a thorough and positive demonstration that the requested power will not cause harmful interference with any authorized or previously proposed station operating on co-channel or adjacent channel frequencies;

(2) a demonstration of the reasons why the applicant believes that an authorization of increased power is in, and will directly benefit, the public interest.

(c) The transmitter peak output power for CARS pickup stations shall not be greater than necessary, and in no event, shall it exceed 250 milliwatts.

(d) When vestigial sideband AM transmission is used the peak power of the visual signal on all channels shall be maintained within 2 decibels of equality. The mean power of the aural signal on each channel shall not exceed a level of 7 decibels below the peak power of the visual signal.

(e) Notwithstanding provisions elsewhere in this part, the power delivered by a transmitter to the antenna system in the frequency band between 12.70 and 12.75 GHz shall not exceed +10 dBW. Additionally, the maximum equivalent isotropically radiated power of a station in this band segment shall not exceed +55 dBW.[1]

3. Section 78.104(b)(1) is amended to read as follows:

§ 78.104 Authorized bandwidth and emission designator.

* * * * *

(b) * * *

(1) The frequency stability of the transmitting equipment to be used will permit compliance with § 78.103(b)(1) and, additionally, will permit 99 percent of the total radiated power to be kept within the frequency limits of the assigned channel.

[1] See Chapter I, Article 1, Section III of the (International) Radio Regulations (Geneva, 1959), as amended, for Technical Characteristics Terms and Definitions.

(c) * * *

4. Section 78.105, headnote and text are amended to read as follows:

§ 78.105 Antenna requirements.

(a) For new fixed stations licensed pursuant to applications accepted for filing after (date specified to be one year after the effective date of these rules), the following rules apply:

(1) Fixed CARS stations shall use directional antennas that meet performance standards indicated in the following table. Upon adequate showing of need to serve a larger sector, or more than a single sector, greater beamwidth or multiple antennas may be authorized. applicants shall request, and authorization for the stations in this service will specify, the polarization of each transmitted signal.

* * * * *

Antenna standards

Frequency (in megahertz)	Category	Maximum beamwidth to 3dB (included angle in degrees)	Minimum radiation suppression at angle in degrees from centerline of main beam in decibels-					
			5 to 10 degrees	10 to 15 degrees	15 to 20 degrees	20 to 30 degrees	30 to 100 degrees	100 to 140 degrees	140 to 180 degrees
12,700-13,200	A	1.0	23 dB	28 dB	35 dB	39 dB	41 dB	42 dB	50 dB
	B	2.0	20 dB	25 dB	28 dB	30 dB	32 dB	37 dB	47 dB

NOTE.-- Stations in this service must employ an antenna that meets the performance standards for category A, except that, in areas not subject to frequency congestion antennas meeting standards for category B may be employed. Note, however, that the Commission may require the use of a high performance antenna where interference problems can be resolved by the use of such antennas.

(2) New periscope antenna systems will be authorized upon a certification that the radiation, in a horizontal plane, from an illuminating antenna and reflector combination meets or exceeds the antenna standards of this section. This provision similarly applies to passive repeaters employed to redirect or repeat the signal from a station's directional antenna system.

(3) The choice of receiving antennas is left to the discretion of the licensee. However, licensees will not be protected from interference which results from the use of antennas with poorer performance than defined in (a).

(4) The transmitting antenna system of stations employing maximum equivalent isotropically radiated power exceeding +45 dBW in the frequency band between 12.70 and 12.75 GHz shall be oriented so that the direction of maximum radiation of any antenna shall be at least 1.5° away from the geostationary satellite orbit, taking into

account the effect of atmospheric refraction.[1]

(5) Pickup stations are to employ directional antennas, but are not subject to the performance standards herein stated.

(b) Any fixed station licensed pursuant to applications accepted for filing prior to (date specified to be one year after the effective date of these rules) may continue to use its existing antenna system, subject to periodic renewal until (date specified to be ten years after the effective date of these rules). All stations operated after (10 years after the effective date of these rules) shall comply with the antenna requirements of this subpart.

5. In § 78.107, paragraphs (b), (c) and (d) are amended and (e) and (f) are added to read as follows:

§ 78.107 Equipment and installation.

(a) * * *

(b) Applications for new cable television relay stations or systems will not be accepted unless the equipment specified therein has been type accepted for use pursuant to the provisions of this subpart or has been type accepted for licensing under Part 74. Type acceptance is not required for a transmitter used in a CARS pickup station operating in the 12.7–13.20 GHz band.

(c) Cable television relay station transmitting equipment authorized to be used pursuant to an application accepted for filing prior to (date specified to be one year after the effective date of these rules) may continue to be used by the licensee or its successors or assignees: *Provided, however,* If operation of such equipment causes harmful interference due to its failure to comply with the technical standards set forth in this subpart the Commission may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(d) Transmitters used under a developmental authorization do not require type acceptance.

(e) The installation of a CARS station shall be made by or under the immediate supervision of a qualified engineer. Any tests or adjustments requiring the radiation of signals and which could result in improper operation shall be conducted by or under the immediate supervision of an operator holding a valid first- or second-class radiotelephone operator license.

(f) Simple repairs such as the replacement of tubes, fuses, or other plug-in components which require no particular skill may be made by an unskilled person. Repairs requiring replacement of attached components or the adjustment of critical circuits or corroborative measurements shall be made only by a person with required knowledge and skill to perform such tasks.

6. Section 78.111, headnote and text are revised to read as follows:

§ 78.111 Frequency stability.

(a) Cable television relay stations shall maintain the operating frequency so that 99 percent of the sideband energy shall fall within the assigned channels.

(b) Cable television relay stations shall maintain the carrier frequency of each authorized transmitter within 0.005 percent of the operating frequency.

(c) For cable television relay stations that employ vestigial sideband AM transmission, the stations shall maintain their operating frequency within 0.0005 percent of the visual carrier, and the aural carrier shall be 4.5 MHz ± 1 kHz above the visual carrier frequency.

[FR Doc. 79-17439 Filed 6-5-79; 8:45 am]
BILLING CODE 6712-01-M

[1] See Chapter 1, Article 1, Section III of the [International] Radio Regulations (Geneva, 1959), as amended, for Technical Characteristics Terms and Definitions. Additional information and methods for calculating azimuths to be avoided may be found in the following: Report 393, International Radio Consultative Committee (C.C.I.R.); "Geostationary Orbit Avoidance Computer Program," Report CC-7202, Federal Communications Commission, available from the National Technical Information Service, Springfield, VA, 22151, in printed form (PB-211 500) or source card deck (PB-211 501).

INTERSTATE COMMERCE COMMISSION

[49 CFR Chap. X]

[Ex Parte No. MC-73 (Sub-No. 1)]

Interchange Policies at International Boundaries

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing public comments in this proceeding.

SUMMARY: This proceeding was instituted by notice of proposed rulemaking published in the Federal Register on May 1, 1979, at 44 FR 25476. Comments from interested persons were due within 45 days of this publication, or by June 15, 1979.

The Canadian Conference of Motor Transport Administrators has requested an extension of time for filing comments to July 6, 1979. This will aid the Conference in the organized presentation of its members' views. To enable a full presentation, the time for filing comments for all parties will be extended.

DATES: Comments regarding the notice of proposed rulemaking are due on or before July 6, 1979.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. 202/275-7292.

By the Commission, Alan M. Fitzwater, Director, Office of Proceedings.

H. G. Homme, Jr.,

Secretary.

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Notices

Federal Register
Vol. 44, No. 110
Wednesday, June 6, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Order 79-5-197; Docket 33340]

Time Limits for Filing Overcharge Claims in Effect for Alitalia-Linee Aeree Italiane; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of May, 1979.

In the mattar of Alitalia-Linee Aeree Italiane, British Airways, Deutche Lufthansa Aktiengesellschaft, Linea Aerea Nacional Chile (LAN), Qantas Airways Limited, South African Airways and CF Air Freight, Inc.

By Order 79-1-41, adopted January 4, 1979, we deferred action on a complaint of Northwest Traffic Associates, Inc. (Northwest) against the rule of the above-listed carriers providing that claims for freight overcharges must be made within 180 days of the carriers' acceptance of the shipment. The Board also ordered each of the carriers to inform us about plans to change the rule or to justify it in the light of our discussion and the complaint. Finally, we warned the carriers that, if they failed to resolve our concerns about the shortness of the time limit, we would consider a rulemaking proceeding to prescribe a two-year rule in foreign air transportation.

All the carriers, except British Airways, presented statements in response to our order. None of the direct carriers stated that it had plans to change the rule; CF Air Freight, Inc. (CF), an air freight forwarder, however, asserted that, if all the direct carriers were to have a two-year rule, it would change its own rule accordingly.

All of the responding direct carriers attempted to justify their rule on various but essentially similar grounds; a period of 180 days is ample time to permit a shipper to complete its auditing functions; stale claims are time consuming to process and difficult to verify; evidence regarding overcharge claims for interline movements involving domestic shipments is especially difficult to obtain because domestic tariffs need no longer be filed; the current rule has been in effect for a number of years without evoking shipper complaints; no overcharge claims have been rejected because of untimeliness; Northwest, the complainant, is not a shipper, and no shippers have supported its complaint; and shippers generally refuse to pay undercharge claims after 90 days.

In spite of the carriers' statements, our concern over the 180-day period is not dispelled. As we stated in Order 79-1-41, *supra*, a limit of two years is almost universally the rule for domestic air transportation and is in effect for most carriers in foreign air transport. That was essentially the reason for the Board's prescription of such a limit in the *Liability and Claims Rules and Practices Investigation*, as one of the respondent carriers points out. Furthermore, the Interstate Commerce Act prescribes a three-year limit and the U.S. Shipping Act of 1916 a two-year limit for carriers subject to their respective jurisdictions.

As stated by several carriers, no shippers have supported Northwest's complaint; the reason, however, may be the shippers' ignorance of that complaint and of the Board's order, which was not published in the Federal Register. We believe, therefore, that before we reach a final conclusion on the issue, we should obtain the opinion of shipper representatives of the carriers' rules. For the purpose of focusing the arguments of both shippers and carriers, however, we tentatively find that two years is the appropriate time limit for the filing of overcharge claims.

Interested persons will be given 25 days following service of this order to show cause why the above tentative finding should not be made final by the Board's prescribing a two-year limit on overcharge claims in foreign air transportation. We expect such persons to support their objections, if any, with detailed answers, accompanied by arguments of fact or law. We will not entertain general, vague, or unsupported objections. Replies may be filed with the Board within 7 days of the date on which objections are due. We invite comments by shippers, carriers, and other interested persons.

Accordingly,

1. We direct all interested persons to show cause why the Board should not make final the above tentative finding by requiring all carriers to cancel tariff provisions in foreign transportation providing for a limit for filing overcharge freight claims of less than two years and to file tariff provisions containing a limit of not less than two years;

2. We direct any interested person having objections to the Board's issuing the above requirements to file with the Board and serve upon the persons named in paragraph 4 within 25 days after the date of service of this order (June 26, 1979) a statement of objections together with supporting materials;

3. Replies to objections shall, within 7 days of the date on which objections are due (July 3, 1979), be filed with the Board and served upon the persons named in paragraph 4; and

4. We shall serve a copy of this order upon Alitalia-Linee Aeree Italiane, British Airways, Deutche Lufthansa Aktiengesellschaft, Linea Aerea Nacional Chile (LAN), Qantas Airways Limited, South African Airways, CF Air Freight, Inc., Northwest Traffic Associates, Inc., Council for Safe Transportation of Hazardous Articles, National Industrial Traffic League, National Small Shipments Traffic Conference, Puget Sound Traffic Association, Shippers National Freight Claim Council, and Society of American Florists.

We will publish this order in the Federal Register.

By the Civil Aeronautics Board. [1]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-17517 Filed 6-5-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-5-242]

Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79-5-242.

SUMMARY: The Board proposes to approve the following application:

[1] All Members concurred.

Applicants: Caribbean International Airways Limited and Laker Airways Limited d.b.a. Caribbean Airways.

Application Dates: May 16, 1978—Caribbean, Docket: 32679–Caribbean; May 23, 1978—Laker, Docket: 32729–Laker.

Authority Sought: Amendment of permits to coterminalize Wash., D.C./Balt., MD and Boston, MA in a single route.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN June 26, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the United Kingdom and the Embassy of Barbados. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESS FOR OBJECTIONS: Dockets 32679/32729, Docket Section, Civil Aeronautics, Washington, D.C. 20428. Applicants: Caribbean Airways, and Laker Airways Ltd., c/o Robert M. Beckman, 1001 Conn. Ave., N.W., Washington, D.C. 20036.

To get a copy of the Complete Order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington Metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: The Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5880.

By the Civil Aeronautics Board: May 31, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-17518 Filed 6-5-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-5-236; Docket C33509 et al.]

Philadelphia/Pittsburgh, Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–5–236, Dockets 33509, 34104, 33683, and 35708, *Philadelphia/Pittsburgh Show-Cause Proceeding.*

SUMMARY: The Board is proposing to grant the applications of Piedmont Aviation, Inc. for Richmond-Baltimore/Philadelphia/Pittsburgh, Philadelphia-Pittsburgh/New York/Richmond/Norfolk/Baltimore, Raleigh/Durham-Washington, D.C./Baltimore/Philadelphia/Pittsburgh/New York, Washington, D.C./Baltimore-Philadelphia/Pittsburgh/New York and Pittsburgh-New York nonstop authority, Altair Airlines, Inc. for nonstop authority, between and among New York/Newark, White Plains, N.Y., Islip, N.Y., Pittsburgh, Philadelphia, Allentown, Pa., Scranton, Pa., Norfolk, Newport News, Va., Baltimore, Washington, D.C. and Raleigh/Durham, and that of any other fit, willing and able applicant, the fitness, willingness and ability of which can be established by officially noticeable material for any of the authority in issue. The grant of Altair's application would be contingent upon a finding, after an evidentiary hearing, that the carrier is fit, willing and able to perform properly the proposed transportation and to conform to the applicable provisions of the Federal Aviation Act of 1958, as amended and the Board's rules and regulations. A complete text of the order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections:

a) where the objections concern Altair Airlines' fitness, willingness and ability to provide the proposed transportation, by such time as shall be designated by the administrative law judge assigned to the case;

b) where the objections are on grounds unrelated to Altair's fitness, willingness and ability, no later than

Additional Data: All new applications together with the requisite supporting materials shall be filed no later than

ADDRESSES: Objections covering Altair Airlines' fitness, willingness and ability should be filed in Docket 33683, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. All other objections and additional data should be filed in Docket , Docket Section, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The following persons shall be served with any objections or additional data: Allegheny Airlines, Altair Airlines, Eastern Air Lines, Piedmont Aviation, the Greensboro-High Point Airport Authority, the Greater Philadelphia Chamber of Commerce, the Metropolitan Richmond Chamber of Commerce, the Richmond-Lexington Airport Commission, the City of Philadelphia and the State of Maryland.

By the Civil Aeronautics Board: May 31, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-17519 Filed 6-5-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-5-234]

Nonstop Authority to Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–5–234.

SUMMARY: The Board is proposing to grant Houston-St. Louis-Chicago nonstop authority to Continental Airlines and Ozark Air Lines, and the same authority to any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than July 5, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than June 20, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 35706, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Donna Kaylor, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., Washington, D.C., 20428, (202) 673–5380.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Ozark, Continental, American, North Central and the City and Chamber of Commerce of Houston.

The complete text of Order 79–5–234 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–5–234 to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board: May 31, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–17520 Filed 6–5–79; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Carnegie Institution of Washington; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79–00124. Applicant: Carnegie Institution of Washington, 2801 Upton St., N.W., Washington, D.C. 20008. Article: Rotating Anode X-Ray Generator and Accessories. Manufacturer: Rigaku, Japan.

Intended use of Article: The article is intended to be used to determine by experiment the mineralogical and physical properties of the earth's mantle. This involves an x-ray diffraction study at high pressures utilizing the MBC (megarbar pressure cell), including crystal structure determination and accurate specific volume measurements. Doctoral candidates and post-doctoral fellows will be using the article in thesis experiments and in general research. The objectives are to provide training in the field of high pressure geophysics and to produce research data useful to mankind.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a combination of power (12 kilowatts) and brilliance of 12 kilowatts per square millimeter. The National Bureau of Standards advises in its memorandum dated May 7, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79–17588 Filed 6–5–79; 8:45 am]

BILLING CODE 3510–25–M

Duke University; Decision on Applicant for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79–00092. Applicant: Duke University, Durham, N.C. 27706. Article: M301 1000W Lamp Power Supply and Starter with ALH 220 Housing for 1000W Arc Lamp and ORC XL–1000W Xenon Arc Lamp. Manufacturer: Photochemical Research Asssociation, Canada. Intended use of Article: The article is intended to be used as the radiation source for a photoacoustic spectrometer being constructed for employment in the study of various condensed phase materials, particularly eye lens cataracts (not in vivo). Other materials to be studied include crystalline powders, single crystals and solutions. The objectives of the research on eye lens cataracts are to gain an understanding of the nature of the pigments occurring in cataractous lenses and to explore the relationship between both UV and IR radiation, and the formation of cataracts. The objective of the work with crystalline materials is to determine the electronic structure of various materials which (like cataractous lenses) are highly scattering and/or highly absorbing, and thus not easily studied by optical transmission techniques. The article will be used in the training of graduate students as well as undergraduate students in chemistry courses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign articles provides a maximum intensity of 1000 watts stability of ±0.2 percent after warmup and electronically modulated power supply. The Department of Health, Education, and Welfare advises in its memorandum dated April 19, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knowns of no domestic instrument or apparatus of equivalent scientific value to the foregin article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foregin article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catolog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Important Programs Staff.

[FR Doc. 79–17585 Filed 6–5–79; 8:45 am]

BILLING CODE 3510–25–M

Massachusetts Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666–11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79–00122. Applicant: Massachusetts Institute of Technology, Cambridge, MA 02139. Article: UCL Flexible Boundary True Triaxial

Apparatus and UCL Directional Shear Apparatus with Accessories. Manufacturer: University College, United Kingdom. Intended Use of Article: The article is intended to be used to investigate the anisotropic stress-strain strength behavior of soils under generalized states of stress.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being maufactured in the United States. Reasons: The foreign article provides a combination capable of independently applying uniform principle stresses and fully controlling the direction of the major principle stress during plane strain shear. The National Bureau of Standards advises in its memorandum dated April 19, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus singly or in combination of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foregin article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-17586 Filed 6-5-79; 8:45 am]

BILLING CODE 3510-25-M

M.S. Hershey Medical Center of the Pennsylvania State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79-00093. Applicant: The M.S. Hershey Medical Center of the Pennsylvania State University, Department of Obstetrics and Gynecology, Division of Reproductive Biology, Hershey, Pennsylvania 17033. Article: Vickers M85 Scanning Microdensitometer and Accessories. Manufacturer: Vickers Instruments Inc., United Kingdom. Intended Use of Article: The article is intended to be used to examine the properties and activities of a number of enzymes and of stored lipid within the Leydig cells of the testes of normal (rat) fetuses and fetuses of stressed mothers. The objective of these studies is to examine the role of the Leydig cells in differentiation of the brain along normal masculine lines. These studies of fetal testicular Leydig cells in the rat should provide information as to the physical and enzymatic state of the testosterone-producing component of the testis at a time during fetal life when circulating androgen is likely to be required for normal masculinization of the brain. In addition, the article is to be used for training of undergraduate, graduate and medical students in the courses Problem Solving Projects and Anatomy Research Problems. These courses will enable the student to gain experience in research problems, planning of experiments, experimental techniques, experimental methodologies and analysis of data.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides measurement of very small areas, 20 x 20 microns with a 100x objective, and a sensitivity of 5×10^{-15} grams/milliliters to corticotrophin. The Department of Health, Eduction, and Welfare advises in its memorandum dated April 19, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Program Staff.

[FR Doc. 79-17587 Filed 6-5-79; 8:45 am]

BILLING CODE 3510-25-M

University of Colorado; Decision on Application for Duty—Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket Number: 79-00125. Applicant: University of Colorado, Department of Geological Sciences, Boulder, Colorado 80309. Article: Microthermometry Apparatus. Manufacturer: Chaixmeca Ltd., France. Intended Use of Article: the article is intended to be used for studies of fluid inclusions in vein materials from ore deposits to determine the salinity of the fluids and to determine temperatures of formation of the ore deposits.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the combination of heating and cooling at temperatures between —185 and 600 degrees centigrade while viewing a specimen through a microscope. The National Bureau of Standards advises in its memorandum dated May 16, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or combination of domestic apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-17589 Filed 6-5-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

California Coastal Management Program Amendment; Extension of Comment Period

On April 4, 1979, the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), published in the Federal Register (Vol. 44, No. 66, page 20237) notice of an opportunity to comment on OCZM's proposed approval of the California Liquefied Natural Gas (LNG) Terminal Act of 1977 as an amendment to the California Coastal Management Program. All comments were to be received by May 21, 1979.

Since publication of that notice, OCZM has received several requests to extend the comment period. To accommodate these requests, OCZM is hereby issuing notice of an extension of the comment period to June 11, 1979.

Comments should be addressed to: Eileen E. Mulaney, Pacific Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

R. L Carnahan,

Acting Assistant Administrator for Administration.

May 30, 1979.

[FR Doc. 79-17470 Filed 6-5-79; 8:45 am]

BILLING CODE 3510-08-M

Pacific Fishery Management Council's Anchovy/Jack Mackerel Subpanel; Public Meeting

AGENCY: National Marine Fiseries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established an Anchovy/Jack Mackerel Subpanel (AP) which will meet to review the draft Jack Mackerel Fishery Management Plan (FMP).

DATES: The meeting will convene on Wednesday, July 11, 1979, at 1 p.m. and will adjourn at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Travel Lodge International Hotel, 9750 Airport Boulevard, Los Angeles, California 90045.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: May 31, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-17471 Filed 6-5-79; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator National Technical Information Service.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, D.C. 20324.

Patent Application 865,753: High Voltage Antenna Protection System; filed Dec. 29, 1977.

Patent Application 938,993: Vibration Suppressing Trunk Fingers for Air Cushion Devices; filed Sept. 1, 1978.

Patent Application 956,705: Reflection Mode Notch Filter; filed Nov. 1, 1978.

Patent Application 958,920: Precision Digital Sampler; filed Nov. 8, 1978.

U.S. Department of Agriculture, Research Agreements and Patent Branch, General Services Div., Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent Application 944,679: Method of Preparing Citrus Fruit Sections with Fresh Fruit Flavor and Appearance; filed Sept. 22, 1978.

Patent Application 950,493: Prepolymer Preparation and Polymerization of Flame Retardant Chemicals from THP-Salts; filed October 11, 1978.

Patent Application 951,539: A Process for Producing Chambray and Other Dyed Fabrics Through Phosphorlyation; filed October 16, 1978.

Patent Application 964,852: Tris(N-Carbalkoxylaminomethyl)Phosphine Oxides and Sulfides; filed Nov. 29, 1978.

Patent Application 964,854: Ternary Salts of Tris(Aminomethyl)Phosphines and Their Oxides; filed Nov. 29, 1978.

Patent 4,108,748: Photofinishing of Cotton Textiles; filed Mar. 28, 1975, patented Aug. 22, 1978; not available NTIS.

Patent 4,111,700: Polyflucrinated Amine Oil-Repellent, Stain-Release Fabric Treatment; filed June 9, 1976; patented Sept. 5, 1978; not available NTIS.

Patent 4,133,898: Process for Preparing Quick-Cooking Rice; filed Jan. 26, 1977, patented Jan. 9, 1979; not available NTIS.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent Application 849,201: Superconducting Transistor; filed Nov. 7, 1977.

Patent Application 851,330: Sliding-Gate Valve; filed Nov. 14, 1977.

Patent 4,087,763: Method and Apparatus for Secondary Laser Pumping by Electron Beam Excitation; filed Nov. 10, 1975; patented May 2, 1978; not available NTIS.

Patent 4,087,988: Cryogenic Expansion Machine; filed Nov. 9, 1976; patented May 9, 1978; not available NTIS.

Patent 4,089,268: Safe Arming System for Two-Explosive Munitions; filed Mar. 30, 1977; patented May 16, 1978; not available NITS.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205.

Patent Application 946,013: A Simple Lorentz Force Transducer for Sonics and Ultrasonics; filed Sept. 26, 1978.

Patent 4,093,515: Laminated Carbon-Containing Silicone Rubber Membrane for Use in Membrane Artificial Lung; filed Mar. 1, 1976; patented June 6, 1978; not available NTIS.

Patent 4,103,693: Tranquilizer Dart; filed June 10, 1977, patented Aug. 1, 1978; not available NTIS.

Patent 4,105,651: Purification of Enkephalin, and Endogenous Composition in the Human Body and Synthesis of Same; filed Mar. 15, 1976; patented Aug. 8, 1978; not available NTIS.

Patent 4,105,774: Hydantoin Compounds and Methods of Use Thereof; filed July 28, 1975, patented Aug. 8, 1978; not available NTIS.

Patent 4,106,492: Real Time Two-Dimensional Mechanical Litrasonic Sector Scanner with Electronic Control of Sector Width; filed Jan. 12, 1977; patented Aug. 15, 1978; not available NTIS.

Patent 4,106,493: Biphasic Otoscopic Air Stimulator for Performing Clinical Caloric

Tests; filed Jan. 13, 1977; patented Aug. 15, 1978; not available NTIS.

Patent 4,106,496: Method and Apparatus for Air Caloric Testing for the Evaluation or Aural Vestibular Disorders; filed Dec. 23, 1976, patented Aug. 15, 1978; not available NTIS.

Patent 4,108,147: Direct Contact Microwave Diathermy Applicator; filed Nov. 1, 1976; patented Aug. 22, 1978; not available NTIS.

Patent 4,109,647: Method of an Apparatus for Measurement of Blood Flow Using Coherent Light; filed Mar. 16, 1977; patented Aug. 29, 1978; not available NTIS.

Patent 4,112,952: Electrode for Artificial Pacemaker; filed Feb. 11, 1977; patented Sept. 12, 1978; not available NTIS.

Patent 4,123,524: Synthesis of 6-Amino-4-Methyl-8-(Beta D-Ribofuranosyl) Pyrrolo[4,3,2-DE)-Pyrimido(4,5-C]Pyridazine-5'-Phosphate as a Novel Compound and its Utility against L-1210 Mouse Leukemia; filed June 8, 1977, patented October 31, 1978; not available NTIS.

Patent 4,123,610: Nucleic Acid Crosslinking Agent and Affinity Inactivation of Nucleic Acids Therewith; filed Mar. 9, 1977; patented October 31, 1978; not available NTIS.

Patent 4,125,605: Method of Employing Oral TRH (Thyrotropin Releasing Hormone); filed Oct. 19, 1977; patented Nov. 14, 1978; not available NTIS.

Patent 4,133,212: Parabolic Focussing Thermal Detector for Low Level Ultrasonic Power Measurements; filed October 31, 1977; patented Jan. 9, 1979; not available NTIS.

Patent 4,136,888: Transport Device for Invalids, filed October 7, 1977, patented Jan. 30, 1979; not available NTIS.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets, Washington, D.C. 20240.

Patent Application 958,593: Reverse Osmosis Membrane; filed Nov. 7, 1978.

Patent 4,087,287: Method for Providing Ferritic-Iron-Based Alloys; filed Apr. 15, 1977; patented May 2, 1978; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent Application 954,263: Dual Speed Fluid Control Apparatus; filed October 24, 1978.

Patent 4,109,117: Range Division Multiplexing; filed Sept. 2, 1977; patented Aug. 22, 1978; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent Application 003,693: Improved Subcutaneous Electrode Structure; filed Jan. 16, 1979.

Patent Application 969,755: Compensating Linkage for Main Rotor Control; filed Dec. 15, 1978.

Patent Application 971,474: Low Thrust Monopropellant Engine; filed Dec. 20, 1978.

Patent 4,111,041: Indicated Mean-Effective Pressure Instrument; filed Sept. 29, 1977; patented Sept. 5, 1978; not available NTIS.

Patent 4,130,490: Electric Discharge for Treatment of Trace Contaminants; filed May 23, 1977; patented Dec. 19, 1978; not available NTIS.

Patent 4,131,336: Primary Reflector for Solar Energy Collection Systems; filed May 15, 1978, patented Dec. 26, 1978; not available NTIS.

Patent 4,131,459: High Temperature Resistant Cermet and Ceramic Compositions; Dec. 26, 1978; not available NTIS.

Patent 4,132,068: Variable Area Exhaust Nozzle; filed Apr. 30, 1975; patented Jan. 2, 1979; not available NTIS.

Patent 4,132,069: Integrated Gas Turbine Engine-Nacelle; filed Dec. 22, 1976; patented Jan. 2, 1979; not available NTIS.

Patent 4,132,375: Vortex-Lift Roll-Control Device; filed Mar. 21, 1977; patented Jan. 2, 1979; not available NTIS.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets, Washington, D.C. 20240.

Patent Application 942,847: Eolian Sand Trap; filed Sept. 15, 1978.

Patent Application 942,851: Method for Wood Precharring; filed Sept. 15, 1978.

Patent 4,105,747: Method for Dehydrating Metal Chlorides; filed June 10, 1977; patented Aug. 8, 1978; not available NTIS.

Patent 4,080,308: Treatment of Lignite to Yield a Pumpable Fluid; filed May 19, 1977; patented Mar. 21, 1978; not available NTIS.

Patent 4,080,430: Decomposition of Cupric Oxide Using a Reducing Scavenger; filed June 10, 1977; patented Mar. 21, 1978; not available NTIS.

[FR Doc. 79-17474 Filed 6-5-79; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Levels for Certain Cotton and Man-Made Fiber Apparel From the People's Republic of China

June 5, 1979.

On January 4, 1979, there was published in the Federal Register (44 FR 1211) a notice dated January 3, 1979, announcing forthcoming discussions concerning cotton, wool and man-made fiber textile products exported to the United States from the People's Republic of China and soliciting public comment thereon.

A series of discussions have taken place between the two governments in 1979 concerning the appropriate levels of exports of certain of these products to the United States. No agreement has yet been reached on these levels.

The Government of the United States has informed the Government of the People's Republic of China that for the twelve-month period beginning on May 31, 1979 and extending through May 30, 1980, imports of apparel in Categories 331 (cotton gloves), 339 (women's, girls' and infants' cotton knit blouses), 340 (men's and boys' woven cotton shirts), 347/348 (men's and boys', women's, girls' and infants' cotton trousers), and 645/646 (men's and boys', women's, girls' and infants' man-made fiber sweaters) that have been exported on and after May 31, 1979 will be limited to the following levels:

Category	Twelve-month level of restraint
331	2,946,006 dozen pairs
339	535,659 dozen pairs
340	354,613 dozen pairs
347/348	1,088,632 dozen pairs
645/646	334,834 dozen pairs

This action is taken pursuant to Section 204 of the Agricultural Act of 1956, as amended.

Further discussions with the Government of the People's Republic of China are anticipated. The letter published below is subject, therefore, to termination or revision as a result of those discussions.

Accordingly, there is published below a letter of June 5, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that, effective on June 11, 1979 and for the twelve-month period beginning on May 31, 1979 and extending through May 30, 1980, the amounts of cotton and man-made fiber textile products in Categories 331, 339, 340, 347/348 and 645/646, produced or manufactured in the People's Republic of China, which may be entered or withdrawn form warehouse for consumption in the United States, be limited to the designated levels.

Robert E. Shepherd,

Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

June 5, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner:

Under the terms of Section 204 of the Agricultural Act of 1956, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on June 11, 1979, and for the twelve-month period beginning on May 31, 1979 and extending through May 30, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 331, 339, 340, 347/348, and 645/646, produced

or manufactured in the People's Republic of China, in excess of the following levels of restraint:

Category	Twelve-month level of restraint
331	2,946,006 dozen pairs
339	535,659 dozen pairs
3340	354,613 dozen pairs
347/348	1,088,632 dozen pairs
645/646	334,834 dozen pairs

Cotton and man-made fiber textile products in the foregoing categories that have been exported before May 31, 1979 shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).

In carrying out these directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Robert E. Shepherd,

Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 79-17774 Filed 6-5-79; 10:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on State Jurisdiction and Reponsibilities Under the Commodity Exchange Act; Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Commodity Futures Trading Commission's Advisory Committee on State Jurisdiction and Responsibilities under the Commodity Exchange Act ("Advisory Committee on State Jurisdiction and Responsibilities" or "Advisory Committee") will conduct a two-day public meeting at the Conference Center at Lake Lawn Lodge located in Delavan, Wisconsin 53115. The first session will be held on June 21, 1979 beginning at 9:30 a.m. and lasting until 5 p.m., and the second session will take place on June 22, 1979 beginning at 9:30 a.m. and lasting until the discussion of the topics under consideration has been completed.

The Advisory Committee on State Jurisdiction and Responsibilities is an advisory committee created by the Commission for the purpose of receiving advice and recommendations on such matters as State enforcement of the Commodity Exchange Act and enforcement of general State criminal and civil antifraud laws in the commodity area. The purposes and objectives of the Advisory Committee on State Jurisdiction and Responsibilities are more fully set forth at 41 FR 13393 (March 30, 1976) and 43 FR 14712 (April 7, 1978).

The summarized agenda for the meeting is as follows:

(a) Consideration of regulation of commodity options;

(b) Discussion of regulation of leverage transactions;

(c) Discussion of commodity pool operator regulation; and

(d) Analysis of such other matters of interest to the Commission and the States as may properly come before the meeting.

The two-day meeting is open to the public. The Chairman of the Advisory Committee on State Jurisdiction and Responsibilities, John G. Gaine, General Counsel of the Commission, is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the Advisory Committee on State Jurisdiction and Responsibilities, c/o William E. Gressman, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, at least five days before the two-day meeting. Members of the public who wish to make oral statements should inform William E. Gressman, telephone (202) 254-5529, at least five days before the two-day meeting, and reasonable provision will be made for their appearance, to the extent time permits, during the course of the meeting to present oral statements of no more than ten minutes each in duration.

Issued in Washington, D.C. on June 4, 1979.

By the Commission.

James M. Stone,

Chairman, Commodity Futures Trading Commission.

[FR Doc. 79-17742 Filed 6-5-79; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

Command, Control, and Communications Subpanel of the Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Command, Control, and Communications Sub-Panel (C_3 SP) of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet at the Pentagon, Washington, D.C. on July 11-12, 1979. Sessions each day will be held from 8:00 am until 5:00 pm. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of new developments in command, control, and communications (C_3) and Counter C_3. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of title 5, *United States Code.*

For further information concerning this meeting, contact Commander Robert B. Vosilus, U.S. Navy, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Boulevard, Room 405, Arlington, Virginia 22209. Telephone (202) 694-3191.

Dated: May 30, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-17467 Filed 6-5-79; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 25–26 July 1979 at the Institute for Defense Analyses, 400 Army Navy Drive, Arlington, Virginia 22202.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advance Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with 5. U.S.C. App. 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

June 1, 1979.

[FR Doc. 79-17584 Filed 6-5-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Howell Corp., Quintana Refinery Co. and Quintana-Howell Joint Venture; Action Taken on Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and Opportunity for Comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provided an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: May 10, 1979.

COMMENTS BY: July 6, 1979.

ADDRESS: Send comments to Wayne Tucker, District Manager, Southwest District Enforcement Office, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne Tucker, District Manager, Southwest District Enforcement Office, P.O. Box 35228, Dallas, Texas 75235 (phone (214) 749–7626).

SUPPLEMENTARY INFORMATION: On May 10, 1979, the Office of Enforcement of the ERA executed a proposed Consent Order with Howell Corporation (Howell), Quintana Refinery Company (Quintana) and the Quintana-Howell Joint Venture (QHJV) of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Howell, Quintana and QHJV, with a home office located in Houston, Texas are firms engaged in, among other things the refining and marketing of crude oil, residual fuel oil, motor gasoline, JP–4 fuel and other refined petroleum products, and is subject to the Mandatory Petroleum Price Regulations as set forth in Subpart E, Part 212, Title 10 CFR. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Howell, Quintana and QHJV, the Office of Enforcement, ERA and Howell, Quintana and QHJV entered into a Consent Order, the significant terms of which are as follows:

1. During the period ending December 31, 1978, Howell, separately and as a partner in the QHJV, sold refined covered products in excess of the maximum allowable price computed in accordance with 10 CFR §212.83 (6 CFR § 150.355 prior to January 14, 1974) totalling $6,023,691.00.

2. During the period ending December 31, 1978, Quintana, as a partner in the QHJV, sold refined covered products in excess of the maximum allowable price computed in accordance with 10 CFR 212.83 totalling $1,960,147.00.

3. Execution of the Consent Order constitutes neither an admission by Howell, Quintana and QHJV nor a finding by DOE that Howell, Quaintana and QHJV has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Howell, Quintana and QHJV agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I.1. above. The sum of $7,983,838.00 will be paid within 30 days after the effective date of this Consent Order. Refund overcharges will be distributed as follows:

1. Howell agrees to issue a cashier's check or certified check on or before 30 days following the effective date of this Consent Order payable to the U.S. Department of Energy in the amount of $984,807.00, which sum shall be considered as full restitution and settlement of any all civil liability within the jurisdiction of the DOE in regard to actions that might be brought by the DOE arising out of the sale of motor gasoline products during the period covered by this Consent Order. Delivery shall be to the Assistant Administrator of Enforcement, Room 5302, 2000 M Street, N.W., Washington, D.C. 20461. The Assistant Administrator of Enforcement, ERA, shall direct that these monies be deposited in a suitable account in order that the monies in the fund may be distributed in a just and equitable manner in acordance with applicable laws and regulations. If it is consistent with applicable law and administratively feasible, the DOE shall direct that these monies be transferred into an account established with the Treasury Department in government obligations with the interest received from these obligations credited to the account. It is understood that, with respect to both the principal in such an account and the interest to be credited to such an account, the Treasury Department would not act as a guarantor, or otherwise assume such

responsibilities or obligations with respect to such sums.

2. Howell agrees to issue a cashier's check or certified check payable to customers totalling $3,317,208.00 identified for general refinery products (GRP). Such sums shall be considered as full restitution for the alleged overcharges. Credit memorandum can be issued in lieu of checks against the current balance owed to Howell by any of these GRP customers. Additionally, Howell agrees that the check made payable to the DOE in the amount of $33,155, shall be submitted to DOE and may be processed by DOE in the same manner as cited in Number 1 above.

3. Howell agrees to issue a cashier's check or certified check payable to customers totalling $1,361,726 identified for distillates. Such sums shall be considered as full restitution for alleged overcharges. Credit memorandum can be issued in lieu of checks against the current balance owed to Howell by any of these distillate customers. Additionally, Howell agrees that the check made payable to the DOE in the amount $326,795.00 shall be submitted to DOE and may be processed by DOE in the same manner as cited in Number 1 above.

4. Quintana agrees to issue a cashier's check or certified check, on or before 30 days following the effective date of this Consent Order, payable to the U.S. Department of Energy in the amount of $858,383.00, which sum shall be considered as full restitution and settlement of any and all civil liability within the jurisdiction of the DOE in regard to actions that might be brought by the DOE arising out of the sale of motor gasoline products during the period covered by this Consent Order. Delivery shall be to the Assistant Administrator for Enforcement, Economic Regulatory Administration, Room 5302, 2000 M Street, N.W., Washington, D.C. 20461. The Assistant Administrator for Enforcement, ERA, shall direct that these monies be deposited in a suitable account in order that the monies in the fund may be distributed in a just and equitable manner in accordance with applicable laws and regulations. If it is consistent with applicable law and administratively feasible, the DOE shall direct that these monies be transferred into an account established with the Treasury Department wherein the proceeds of the account will be invested by the Treasury Department in government obligations with the interest received from these obligations credited to the account. It is understood that, with respect to both the principal in such an account and the interest to be credited to such an account, the Treasury Department would not act as a guarantor, or otherwise assume such responsibilities or obligations with respect to such sums.

5. Quintana agrees to issue a cashier's check or certified check payable to customers totalling $1,097,789.00 identified for general refinery products (GRP). Such sums shall be considered as full restitution for the alleged overcharges. Credit memorandum can be issued in lieu of checks against the current balance owed Quintana by any of these GRP customers. Additionally, Quintana agrees that the check made payable to the DOE in the amount of $3,975.00 shall be submitted to DOE and may be processed by DOE in the same manner as cited in Number 4 above.

6. All refunds, rebates, issuances of credit memorandum, etc., shall be completed within 30 days after the effective date of this Consent Order.

Howell and Quintana, individually and as partners in the QHJV, hereby offer and agree to pay, as a compromise in full settlement of any civil penalties for which they may have been liable because of their conduct described herein a compromise payment in the total amount of $50,000.00. The parties agree to pay this sum in full, by delivering to DOE a cashier's check for this amount payable to the U.S. Treasury. DOE has determined that this payment is an appropriate and satisfactory compromise under the terms of 10 CFR § 205.203(b)(2) and agrees that, in the event of publication of final notice of the implementation of this Consent Order, such payment will be accepted by DOE. By this payment, Howell, Quintana, and the QHJV do not admit any violation of DOE regulations, and in consideration of this payment, when accepted, DOE hereby expressly waives its right to seek further civil penalties against Howell, Quintana, and/or the QHJV for such alleged violations as are included in this Consent Order. The parties understand that if this offer is not accepted by the DOE in compromise of such penalities, DOE will return the check to the parties.

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne Tucker, District Manager, Southwest District, Enforcement Office, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address. You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Howell, Quintana and QHJV Consent Order." We will consider all comments we receive by 4:30 p.m., local time on July 6, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9.(f).

Issued in Washington, D.C. on the 31st day of May 1979.

Barton Isenberg,

Assistant Administrator for Enforcement, Economic Regulatory Administration.

[FR Doc. 79-17530 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 16, 1979.

COMMENTS BY: July 6, 1979.

ADDRESS: Send comments to: Herbert Maletz, Audit Director, Northeast District, 252 Seventh Avenue, New York, New York 10001.

FOR FURTHER INFORMATION CONTACT: Herbert Maletz, Audit Director, Northeast District, 252 Seventh Avenue, New York, New York 10001, 212/620-6706.

SUPPLEMENTARY INFORMATION: On May 16, 1979, the Office of Enforcement of the ERA executed a Consent Order with Lawrence H. Glover, Ruth H. Glover, Terry Malcolm and Berna Eich. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Glover Bottled Gas Corporation ("GBGC"), with its home offices located in Patchogue, New York, is a firm engaged in the retail sale of propane, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. By agreement dated March 10, 1976 Lawrence H. Glover, Ruth H. Glover, Terry Malcolm and Berna Eich, ("Glover") sold all of their respective stock interests in GBGC to New York Propane Corporation. As part of said agreement, Glover agreed that if, as a result of an audit then being conducted by the Federal Energy Administration of the books and records of GBGC, there would be an assessment or penalty as against said corporation for any alleged violations during the period November 1, 1973 through February 28, 1976, the responsibility for payment of such total assessment would be assumed by the Glovers individually, except for the sum of $2,500. Said Agreement further afforded Glover the right to settle or otherwise dispose of any claims as against GBGC prior to the sale including tax examiniations and audit brought by a third party or any governmental authority at the sole expense of Glover. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of GBGC, the Office of Enforcement of the ERA, and Glover entered into a Consent Order, the significant terms of which are as follows:

1. During the period November 1, 1973 through February 28, 1976 [audit period], GBGC allegedly overcharged its bulk class of purchaser in the retail sale of propane.

2. It is alleged that Glover incorrectly computed its maximum legal selling price in its sale of propane to its bulk class of purchaser during the audit period. As a result, GBGC charged prices in excess of those permitted under 10 CFR 212.93(a) and 6 CFR 150.359(c)(i).

3. This Consent Order constitutes neither an admission by Glover that GBGC has violated the Mandatory Petroleum Price Regulations nor a finding by ERA that GBGC has violated such regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Glover agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $45,092.09 within ninety (90) days of the effective date of the Consent Order. Refunded overcharges will be in the form of a certificated check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive approprate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Herbert Maletz, Audit Director, Northeast District, 252 Seventh Avenue, New York, New York 10001. You may obtain a free copy of this Consent Order by writing to the same address or by calling 212/620-6706.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Glover Bottled Gas Corporation Consent Order". We will consider all comments we receive by 4:30 p.m., local time, on July 6, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in New York, New York on the 18th day of May 1979.

Herbert M. Heitzer,

Northeast District Manager of Enforcement.

[FR Doc. 79-17401 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Shawnee Oil & Gas Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192, the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Shawnee Oil and Gas Corporation, 2601 N.W. Expressway, Oklahoma City, Oklahoma 73112. This Proposed Remedial Order charges Shawnee Oil and Gas Corporation with the sale of crude oil at prices in excess of those permitted by 10 CFR 212, Subpart D, in the amount of $672,637.98.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P. O. Box 35228, Dallas, Texas 75235, or by calling (214) 749-7626. By June 21, 1979, any aggrieved

person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 30th day of May, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement.

[FR Doc. 79-17531 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council; Refinery Capability Task Group of the Committee on Refinery Flexibility; Meeting

Notice is hereby given that the Refinery Capability Task Group of the National Petroleum Council's Committee on Refinery Flexibility will meet at the National Petroleum Council (NPC) Headquarters, 1625 K. Street, N.W., Washington, D.C., on Thursday, June 21, 1979, at 9:00 a.m.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availabiltiy and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee. The tentative agenda of the Task Group session is as follows:

Agenda for the June 21, 1979 meeting of the Refinery Capability Task Group:

1. Introductory remarks.
2. Review and approve summary minutes of the May 11, 1979 meeting of the Refinery Capability Task Group.
3. Review and revise draft executive summary report on Refinery Capability.
4. Develop plans for proceeding with Parts II and III of the Refinery Capability survey.
5. Discuss any other matters pertinent to the overall assignment of the Task Group.

All meetings are open to the public. The Chairmen of the Task Group are empowered to conduct the meeting in a fashion that will, in their judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Mr. Gene Peer, U.S. Department of Energy (202) 633-9179, prior to the meeting, and reasonable provision will be made for their appearance on the agenda.

Summary/minutes of the Task Group meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 31, 1979.

Alvin L. Alm,

Assistant Secretary, Policy and Evaluation.

[FR Doc. 79-17462 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP79-315]

Arkansas Louisiana Gas Co.; Application

May 29, 1979.

Take notice that on May 17, 1979, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP79-315 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of gas with Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to an exchange agreement dated February 13, 1979, between Applicant and Texas Gas, Texas Gas would receive by displacement its share of the gas from the Delta Drilling Wilson No. 1 Well by causing the same gas to be delivered to Applicant into existing facilities owned and operated by Applicant near the Harold Wilson No. 2 Well in the Carthage Field, Panola County, Texas. Applicant states that it would return equivalent volumes to Texas Gas in accordance with the agreement at the tailgate of Champlin Petroleum Company's East Texas plant in Panola County, Texas.

Applicant asserts that the instant proposal would provide a workable arrangement by which either or both parties may assist the other by receiving into their respective systems by displacement the other party's share of gas from one or more wells with respect to which it is more expedient for the receiving party to receive the gas because of the proximity of its pipelines in the area. The instant proposal would also avoid duplication of gathering facilities, thereby minimizing the necessity for gathering facilities in the area, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17542 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

CIG Exploration, Inc.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979

On May 4, 1979, the Federal Energy Regulatory Commission received notice of a determination pursuant to 18 CFR 274.104 of the Natural Gas Policy Act of 1978 applicable to:

U.S. Geological Survey, Casper, Wyoming
FERC Control Number: JD79-4420
API Well Number: 49-007-20319
Section: 103
Operator: CIG Exploration, Inc.
Well Name: Federal No. 9
Field: Blue Cap
County: Carbon
Purchaser: Colorado Interstate Gas Co.
Volume: 133 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-17577 Filed 6-5-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-77]

Colorado Interstate Gas Co.; Amendment to Application

May 29, 1979.

Take notice that on May 21, 1979, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP79-77 an amendment to its application filed in the instant docket pursuant to Section 7(b) of the Natural Gas Act so as to authorize the deletion of the gas purchase facilities connecting the Point of Rocks Well No. 44-25 from the facilities proposed for abandonment in the application, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant states that on November 20, 1978, it filed an application in the instant docket requesting permission and approval to abandon certain miscellaneous facilities, and that the gas purchase facilities connecting the Point of Rocks Well No. 44-25 were among the facilities proposed to be abandoned. Applicant states that the last production received by it from Point of Rocks Well No. 44-25 was during March 1975 and that it had no reason to believe that production from the well would be resumed. Applicant further states that it understood that the well had been plugged and abandoned because of cessation of production. However, recent contact with the producer indicates that this well may again become active upon correction of the current problems that result in insufficient pressure to produce into Applicant's system, it is stated. Consequently, Applicant requests that this well be deleted from the facilities proposed to be abandoned in the original application.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-17543 Filed 6-5-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP74-62]

Colorado Interstate Gas Co.; Complaint

May 30, 1979.

Take notice that on April 27, 1979, McCulloch Interstate Gas Corporation (McCulloch), 10800 Wilshire Boulevard, Suite 1600, Los Angeles, California 90024, filed in Docket No. CP74-62 a complaint pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure (18 CFR 1.6) relating to Colorado Interstate Gas Company's (CIG) revised tariff filing submitted in said docket on February 13, 1979, as amended March 6, 1979, all as more fully set forth in the complaint which is on file with the Commission and open for public inspection.[1]

McCulloch states that its complaint is directed against CIG and Mountain Fuel Supply Company (Mountain Fuel) and is related to the revised tariff filing proposing certain revisions by CIG to Rate Schedule X-3 of its FERC Gas Tariff, Original Volume No. 2.

McCulloch asserts that the subject tariff filing by CIG is inappropriate because it (1) violates the Natural Gas Act; (2) is inconsistent with the terms of the underlying certificate authorization issued to CIG; (3) is in contravention of the Commission's Regulations under the Natural Gas Act; and (4) contemplates the re-structuring of contractual arrangements which require the prior written consent of McCulloch under the terms of a gas transportation agreement executed between McCulloch and CIG on September 5, 1973, which consent was not obtained. McCulloch asserts that for any of these reasons, CIG's filing should be declared inoperative.

McCulloch further asserts that the proposed tariff revision provides for the deletion of certain acreage from the area dedicated to CIG by the terms of a gas purchase and exchange agreement between CIG and Mountain Fuel, dated July 5, 1973, as amended.

McCulloch states in the complaint that Mountain Fuel advised CIG that Mountain Fuel's minor interest in the area proposed to be deleted in the tariff revision cannot be economically connected to the Spearhead Ranch pipeline system and that Mountain Fuel proposes to sell the attributable gas to Panhandle Eastern Pipe Line Company (Panhandle).

In support of McCulloch's complaint it asserts the following background information. An order issued February 11, 1976, in Docket No. CP74-62 authorized the sale and exchange of gas between Mountain Fuel and CIG and also authorized McCulloch to undertake a transportation service for delivery of the subject gas volumes from Mountain Fuel to CIG, it is further stated.

The contractual basis for McCulloch's transportation service was a gas transportation agreement executed September 5, 1973, between CIG and McCulloch, it is said. A letter agreement dated November 1, 1974 amended the gas purchase and exchange agreement between CIG and Mountain Fuel, it is said.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

The area dedicated to the CIG–Mountain Fuel gas purchase and exchange agreement was further enlarged by a second amendatory agreement executed between the parties on October 8, 1974, it is said.

McCulloch agreed to provide the additional necessary transportation service by a second letter amendment and temporary authorizations for the secondary amendments were issued to the respective applicants, Mountain Fuel, CIG, and McCulloch by the Commission on November 26, 1976, it is asserted.

The said tariff revision, McCulloch states, attempts to change the terms of the certificate authority issued February 11, 1976, as amended. Since the revised tariff filing attempts to delete certain of the dedicated acreage under the original contracts, applications, and certificate order, an amendment to that certificate order pursuant to Sections 7(b) and (c) of the Natural Gas Act must be requested first, it is said.

The actions contemplated, McCulloch further states, by CIG and Mountain Fuel constitute an unauthorized abandonment of a jurisdictional natural gas sale and service and Section 7(b) of the Natural Gas Act expressly prohibits any abandonment without prior Commission approval. CIG's filing, tendered in the form of a "tariff revision" is wholly inadequate because it does not properly request abandonment authorization, the complaint indicates.

Mountain Fuel apparently intends to re-dedicate the subject acreage to Panhandle and absent a Commission finding that the jurisdictional requirements of the substitute purchaser, Panhandle, are greater than CIG's needs, the proposed activities may not be undertaken, it is asserted in the complaint.

CIG's tariff revision also constitutes an abandonment of jurisdictional sales by CIG to McCulloch and CIG's tariff revision constitutes an attempted *de facto* abandonment of the sale to McCulloch, it is said.

The proposed deletion of certain of the dedicated acreage directly and adversely affects the rate charged by McCulloch for the transportation service rendered for CIG, it is further said.

The complaint states that the filing fails to comply with the requirements of Section 154.63 of the Regulations under the Natural Gas Act.

The unilateral filing by CIG of the tariff revision violates the underlying terms of the gas transportation agreement executed between CIG and McCulloch, it is said. The only change in the transportation service contemplated by the said agreement is to accommodate additional dedicated areas, in which case McCulloch's prior written approval must be obtained, it is further said.

Additionally, McCulloch requests that the Commission direct CIG and Mountain Fuel to show cause why the actions contemplated, as described, are not in violation of the Natural Gas Act and the Commission's administration thereof.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before June 29, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17560 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER78-414]

Delmarva Power & Light Co.; Motion for Approval of Agreements

May 31, 1979.

Take notice that Delmarva Power & Light Company (Delmarva) on May 1, 1979 tendered for filing a motion seeking Commission approval, effective December 1, 1978, of certain contracts entered into between Delmarva and certain municipal customers in Maryland and Delaware. None of these five settling customers is a party of record to Docket No. ER 78-414.

Delmarva indicates that the agreements between Delmarva and these five customers provide a fixed rate for the period December 1, 1978 through September 1, 1980. Delmarva further indicates that these contracts have been filed with the Commission and copies have been provided to the parties in ER78-414. The five contracts involve Clayton, Delaware, Lincoln and Ellendale Electric Co., Delaware, Centreville, Maryland, Berlin, Maryland and St. Michaels Utilities Commission, Maryland.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before June 25, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17544 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-23; Docket No. RP79-24]

Distrigas Corp., Distrigas of Massachusetts; Informal Settlement Conference

May 31, 1979.

Take notice that on June 14 and 15, 1979 at 10:00 A.M. there will be an informal conference of all interested persons for the purpose of continued settlement discussions in these proceedings. The meeting place for the conference will be at the Federal Energy Regulatory Commission, 825 N. Capitol N.E., Washington, D.C. 20426. The room will be posted on the second floor.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17545 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-307]

El Paso Natural Gas Co.; Application

May 29, 1979.

Take notice that on May 14, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-307 an application pursuant to Section 7 of the Natural Gas Act for a certificate of

public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and delivery of natural gas, on an exchange basis to Warren Petroleum Company (Warren) at a proposed point of delivery located in Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that it and Warren are parties to residue gas purchase agreements dated October 3, 1947, January 1, 1972, and March 1, 1972, which provide for the sale by Warren and the purchase by El Paso of all volumes of surplus residue gas attributable to and processed in the Eunice Gasoline Plant from certain sources set forth in the agreements, at the outlet of Warren's Eunice Gasoline Plant located in Lea County, New Mexico. It is stated that in the daily operation of Warren's Eunice Gasoline Plant, Warren treats a portion of its processed casinghead gas in order to obtain pipeline quality gas for use in the operation of its compression facilities. On several occasions, Warren has advised EL Paso that it as experienced a malfunction of its treating facilities which causes Warren immediately to shut down the entire Eunice Gasoline Plant and cease the sale and delivery of residue gas to El Paso as well as the processing and delivery of El Paso's own production, since Warren's compression facilities operate on pipeline quality gas available from such treating facilities, it is asserted.

El Paso asserts that in order to insure the continuity of the gas supply delivered from the Eunice Gasoline Plant by Warren to El Paso for use on El Paso's interstate transmission system, both companies have entered into a gas exchange agreement dated March 23, 1979, wherein El Paso has agreed to delver to Warren, at a proposed point of delivery, to be located in Lea County, New Mexico, such quantity of pipeline quality natural gas as Warren may need, from time to time, not to exceed 5,000 Mcf per day, for use in the operation of its Eunice Gasoline Plant extraction facilities and associated appurtenances. Warren states that it would deliver to El Paso at El Paso's existing meter station located at the outlet of Warren's Eunice Gasoline Plant, a quantity of surplus residue gas equivalent on a million Btu basis, to the total quantities of pipeline quality natural gas delivered by El Paso to Warren.

El Paso indicates that authorization is sought to construct and operate the following facilities in order to effectuate the proposed exchange arrangement:

A. *Pipeline Facilities*—Proposed Crossover from El Paso's 24-inch O. D. Trunk "MT" to El Paso's 10 ¾-inch O. D. Warren-Eunice Loop Pipeline.

Install approximately 0.34 mile of 4 ½-inch O. D. pipeline, with appurtenances, commencing at a point on El Paso's existing 24 inch O. D. Trunk "MT" pipeline in the SE/4 of Section 8 and terminating at a point of interconnection with El Paso's existing 10 ¾-inch O. D. Warren-Eunice Loop pipeline in the SW/4 of Section 9, all located in Township 21 South, Range 36 East, Lea County, New Mexico.

B. *Metering Facilities*—Warren Exchange Point Meter Station.

Install one (1) 4 ½-inch O. D. standard orifice meter run, with appurtenances, to be located at the interconnection of El Paso's existing 12 ¾-inch O. D. Warren-Eunice pipeline and Warren's proposed 4 ½-inch O. D. pipeline, all located in Section 34, Township 21 South, Range 37 East, Lea County, New Mexico.

The total estimated cost of those facilities proposed to be constructed and operated by El Paso including respective overhead, contingency and required filing fee is $38,124. El Paso indicates that it would finance the cost of facilities from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-17546 Filed 6-5-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket Nos. G-9262 and G-9960]

Florida Gas Transmission Co.; Petition To Amend

May 30, 1979.

Take notice that on May 11, 1979, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, filed in Docket Nos. G-9262 and G-9960 a petition to amend FPC Opinion No. 301 and order issued Dcember 28, 1956 (16 FPC 118) [1] in said dockets pursuant to Section 7(c) of the Natural Gas Act so as to provide for an additional delivery point under FGT's existing transportation agreement with Florida Power & Light Company (FP&L) and the transportation of natural gas for FP&L's account pursuant to and for the remainder of the term, through June 11, 1979, of the T-2 agreement, in order to displace fuel oil, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is stated that FGT purchases and receives natural gas from suppliers in the Gulf Coast area of Texas, Louisiana, Mississippi, Alabama, Florida, and Federal Offshore Domain and by means of its transmission system, transmits, sells, and delivers such gas in the State of Florida for both resale and direct consumption. FGT's pipeline system was initially authorized in Docket Nos. G-9262, *et al.*, it is asserted.

FGT requests authorization to transport, pursuant to and for the remainder of the term of the T-2 agreement, as modified by letter agreement dated May 10, 1979, certain quantities of natural gas that Lo Vaca Gathering Company (Lo Vaca) has agreed to sell to FP&L on a short-term basis pursuant to the terms of a May 8, 1979, gas purchase contract between Lo Vaca and FP&L. FGT states that Lo

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Vaca proposes to sell directly to FP&L up to 70 billion Btu's per day which FP&L would use in its electric plants throughout the State of Florida. Lo Vaca would deliver said gas to FGT for FP&L's account at a proposed interconnection between FGT's and Lo Vaca's facilities in Jackson County, Texas and FGT would transport said gas to FP&L's Florida facilities, it is stated.

FGT states that the quantities of gas that it proposes to transport for FP&L would be supplemental to those quantities which Sun Oil Company (Sun) sells to FP&L under the terms of their January 15, 1957, gas purchase contract and would not exceed the volumes provided in the T-2 agreement. Deliveries to FP&L from Sun have declined with the result that FP&L has found it necessary to use greater quantities of fuel oil to generate electricity, it is stated. It is further stated that this fuel oil would be displaced by the service proposed herein.

FGT states that on April 9, 1979, the Economic Regulatory Administration (ERA) of the Department of Energy published a final rule in the Federal Register which provides for a temporary public interest exemption from the prohibitions against use of gas contained in the Powerplant and Industrial Fuel Use Act of 1978 (FUA). It is stated that in order to be granted an exemption from the FUA, the purchaser must demonstrate to the ERA that the purchased gas would displace fuel oil. FP&L has applied for such an exemption, it is asserted. FGT indicates that in order to provide the transportation service of gas purchased by powerplants under the temporary public interest exemption, the Commission has instituted a rulemaking in Docket No. RM79-34, which provides for the transportation of natural gas that has been purchased by end-users and which would displace fuel oil. The Commission has acted on the ERA proposed rule and issued an order in Docket No. RM79-34 on May 17, 1979, states FGT. FGT files the petition herein so as to request the issuance of a certificate which would allow FGT to transport those quantities of gas that FP&L would purchase from Lo Vaca under the terms of the T-2 agreement, as modified, through June 11, 1979.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17561 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Gas Producing Enterprises, Inc.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979.

On May 16, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Department of Natural Resources—State of Utah

FERC Control Number: JD79-5737.
API Well Number: 43-047-30459.
Section of NGPA: 103.
Operator: Gas Producing Enterprises, Inc.
Well Name: Natural Buttes 19-16-9-21.
Field: Bitter Creek.
County: Uintah.
Purchaser: Colorado Interstate Gas Co.
Volume: 183 MMcf.

FERC Control Number: JD79-5737.
API Well Number: 43-047-30492.
Section of NGPA: 103.
Operator: Gas Producing Enterprises, Inc.
Well Name: Natural Buttes 42-25-9-21.
Field: Bitter Creek.
County: Uintah.
Purchaser: Colorado Interstate Gas Co.
Volume: 404 MMcf.

FERC Control Number: JD79-5739.
API Well Number: 43-047-30304.
Section of NGPA: 103.
Operator: Gas Producing Enterprises, Inc.
Well Name: Natural Buttes 27-33-9-21.
Field: Bitter Creek.
County: Uintah.
Purchaser: Colorado Interstate Gas Co.
Volume: 142 MMcf.

FERC Control Number: JD79-5740.
API Well Number: 43-047-30398.
Section of NGPA: 103.
Operator: Gas Producing Enterprises, Inc.
Well Name: Natural Buttes 27A-33-9-21.
Field: Bitter Creek.
County: Uintah.
Purchaser: Colorado Interstate Gas Co.
Volume: 200 MMcf.

FERC Control Number: JD79-5741.
API Well Number: 43-047-30335.
Section of NGPA: 103.
Operator: Gas Producing Enterprises, Inc.
Well Name: Natural Buttes 5-31-9-22.
Field: Bitter Creek.
County: Uintah.
Purchaser: Colorado Interstate Gas Co.
Volume: 142 MMcf.

FERC Control Number: JD79-5742.
API Well Number: 43-047-30419.
Section of NGPA: 103.
Operator: Gas Producing Enterprises, Inc.
Well Name: Natural Buttes 9-36-9-22.
Field: Bitter Creek.
County: Uintah.
Purchaser: Colorado Interstate Gas Co.
Volume: 124 MMcf.

FERC Control Number: JD79-5743.
API Well Number: 43-047-30493.
Section of NGPA: 103.
Operator: Gas Producing Enterprises, Inc.
Well Name: Natural Buttes 24-29-9-22.
Field: Bitter Creek.
County: Uintah.
Purchaser: Colorado Interstate Gas Co.
Volume: 147 MMcf.

FERC Control Number: JD79-5744.
API Well Number: 43-047-30243.
Section of NGPA: 103.
Operator: Gas Producing Enterprises, Inc.
Well Name: Natural Buttes 3-32-9-22.
Field: Bitter Creek.
County: Uintah.
Purchaser: Colorado Interstate Gas Co.
Volume: 350 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17569 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-46]

Iowa Southern Utilities Co.; Application

May 30, 1979.

Take notice that on May 14, 1979, Iowa Southern Utilities Company (Applicant) filed an application with the Commission, pursuant to Section 204 of

the Federal Power Act, requesting authority to negotiate for the private placement of up to $7,500,000 of preferred stock. The Applicant is a Delaware Corporation, with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

The net proceeds from the proposed sale of preferred stock will be used to finance the Applicant's portion of the Ottumwa Generating Station.

Any person desiring to be heard or to make any protest with reference to the application should on or before June 21, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17547 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Joseph J. C. Paine & Associates, et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979.

On May 10, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Montana, Department of Natural Resources and Conservation

FERC Control Number: JD79-4728
API Well Number: 25-105-21147
Section of NGPA: 102
Operator: Joseph J. C. Paine & Associates
Well Name: Porteen 1-0396
Field: Unnamed
County: Valley
Purchaser: Midlands Gas Co./Kansas-Nebraska
Volume: 398 MMcf.

FERC Control Number: JD79-4729
API Well Number: 25-105-21143
Section of NGPA: 102
Operator: Joseph J. C. Paine & Associates
Well Name: Strommen No. 1-1707
Field: Unnamed
County: Valley
Purchaser: Kansas-Nebraska Natural Gas Co. Inc.
Volume: 3.285 MMcf.

FERC Control Number: JD79-4730
API Well Number: 25-105-21146
Section of NGPA: 102
Operator: Joseph J. C. Paine & Associates
Well Name: Kuki No. 1-2506
Field: Unnamed
County: Valley
Purchaser: Kansas-Nebraska Natural Gas Co. Inc.
Volume: 1.022 MMcf.

FERC Control Number: JD79-4731
API Well Number: 25-105-21157
Section of NGPA: 102
Operator: Joseph J. C. Paine & Associates
Well Name: Kuki No. 1-2306
Field: Unnamed
County: Valley
Purchaser: Midlands Gas Co./Kansas-Nebraska
Volume: 295 MMcf.

FERC Control Number: JD79-4732
API Well Number: 25-051-21317
Section of NGPA: 108
Operator: Odessa Natural Corporation
Well Name: State 1-10
Field: Snoose Coulee
County: Liberty
Purchaser: Montana Power Company
Volume: 9.0 MMcf.

FERC Control Number: JD79-4733
API Well Number: 25-105-21145
Section of NGPA: 102
Operator: Joseph J. C. Paine & Associates
Well Name: Kuki No. 2406
Field: Unnamed
County: Valley
Purchaser: Midlands Gas Co./Kansas-Nebraska
Volume: 330 MMcf.

FERC Control Number: JD79-4734
API Well Number: 2500921104
Section of NGPA: 103
Operator: Amoco Production Company
Well Name: Elk Basin Unit No. 2 Well 308
Field: Elk Basin
County: Carbon
Purchaser: Montana Dakota Utilities
Volume: 1.2MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17575 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-32]

Kansas-Nebraska Natural Gas Co., Inc.; Petition To Amend

May 30, 1979.

Take notice that on May 17, 1979, Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP79-32 a petition to amend the Commission's order of January 9, 1979, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)), so as to authorize Petitioner to increase its total project costs of facilities constructed under the instant budget-type authorization from $5,300,000 to $6,500,000, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of January 9, 1979, in the instant docket, Petitioner was authorized to construct and operate budget-type gas-purchase facilities for a 12-month period commencing January 1, 1979. It is further indicated that the total authorized cost of facilities constructed under the budget-type authorization is limited to $5,300,000.

Petitioner states that since issuance of the certificate in the instant docket, it has spent or has committed itself to spend approximately $5,000,000 for facilities required to connect new natural gas supplies, and that during the remaining portion of the certificated 12-month budget period, it anticipates an urgent need for authority to expend an additional $1,500,000 for facilities required to connect new natural gas supplied. The addition of the volumes of natural gas to be produced from these wells would assist Petitioner in providing adequate service to its customers. Petitioner further states that the effects of inflation on the cost of constructing new pipeline and related facilities has increased substantially since January 1975, when the FPC last modified its rules and regulations. Consequently, Petitioner is requesting waiver of Section 157.7(b)(i) of the Commission's Regulations so as to increase its current total authorized budget-type limitation to $6,500,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 21, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17562 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Kerr-McGee Corp.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979.

On May 11, 1979, the Federal Energy Regulatory Commission received notice of a determination pursuant to 18 CFR 274.104 of the Natural Gas Policy Act of 1978 applicable to:

State of Louisiana, Department of Natural Resources, Office of Conservation

FERC Control Number: JD79-4741
API Well Number: 1772620138
Section: 102
Operator: Kerr-McGee Corporation
Well Name: S. L. 4574 No. 6
Field: Breton Sound Block 20
County: Plaquemines Parish
Purchaser: Southern Natural Gas Company
Volume: KM WI = 223 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17571 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Marathon Oil Co.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979.

On May 10, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Nebraska, Oil and Gas Conservation Commission

FERC Control Number: JD79-4723
API Well Number: 2603305302
Section of NGPA: 108
Operator: Marathon Oil Company
Well Name: Anderson No. 1
Field: West Sidney
County: Cheyenne
Purchaser: Kansas-Nebraska Natural Gas Co.
Volume: .2 MMcf.

FERC Control Number: JD79-4724
API Well Number: 2603305356
Section of NGPA: 108
Operator: Marathon Oil Company
Well Name: F. Kurz No. 1
Field: West Sidney
County: Cheyenne
Purchaser: Kansas-Nebraska Natural Gas Co.
Volume: 20.0 MMcf.

FERC Control Number: JD79-4725
API Well Number: 2603305280
Section of NGPA: 108
Operator: Marathon Oil Company
Well Name: R. Kurz No. 1
Field: West Sidney
County: Cheyenne
Purchaser: Kansas-Nebraska Natural Gas Co.
Volume: .14 MMcf.

FERC Control Number: JD79-4726
API Well Number: 2603306893
Section of NGPA: 108
Operator: Marathon Oil Company
Well Name: Durland Trust No. 1
Field: West Sidney
County: Cheyenne
Purchaser: Kansas-Nebraska Natural Gas Co.
Volume: 9.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17576 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-91]

McCulloch Interstate Gas Corp.; Filing of Material Supplementing PGA Filing

May 31, 1979.

Take notice that McCulloch Interstate Gas Corporation tendered for filing proposed changes in its F.P.C. Gas Tariff, Original Volume No. 1. The proposed changes are to:

(1) Tariff Sheet No. 28 of McCulloch Interstate's F.E.R.C. Gas Tariff Original Volume No. 1, amending it to reflect new effective dates of May 1 and November 1, established for McCulloch Interstate by F.E.R.C. Order Nos. 13 and 13-A;

(2) Original Sheet No. 31A, F.P.C. Gas Tariff Original Volume No. 1, adopting and setting forth within McCulloch Interstate's P.G.A.C. a provision reflecting McCulloch Interstate's treatment of carrying charges in conformance with F.E.R.C. Order No. 13-A; and

(3) Seventeenth Revised Sheet No. 32 adjusting the 144.30¢ tariff rate previously filed for on March 30, 1979, herein to reflect a carrying charge increase of .72¢ and a Currently Effective Tariff Rate of 145.02¢ in accordance with the provisions of F.E.R.C. Order No. 13-A. Appended thereto and, by reference, incorporated therein was filed by McCulloch, Table VI. (McCulloch Interstate Gas Corporation Calculation of Carrying Charge Applicable to Account 191, Unrecovered Purchased Gas Costs.)

The proposed changes are made in response to communications with the Commission's Staff advising McCulloch Interstate that its PGA filing, to be effective May 1, 1979, required supplementation.

Copies of the filing were served upon McCulloch Interstate's jurisdictional customer by mailing copies of documents to Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17548 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RM97-3]

Natural Gas Policy Act of 1978; Receipt of Report of Determination Process

May 25, 1979.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency and *Date*

Alabama State Oil and Gas Board, November 30, 1978.
State of Alaska, Oil and Gas Conservation Commission, December 11, 1978.
State of Arizona, Oil and Gas Conservation Commission, December 14, 1978.
Arkansas Oil and Gas Commission, February 12, 1979.
State of California, Department of Conservation, Division of Oil and Gas, December 4, 1978.
State of Colorado, Department of Natural Resources, December 5, 1978.
(Supplemental Report), April 4, 1979.
(Revised Supplemental Report), April 18, 1979.
State of Florida, Department of Natural Resources, January 3, 1979.
State of Illinois, Department of Mines & Minerals, Oil and Gas Division, January 5, 1979.
State of Indiana, Department of Natural Resources, December 26, 1978.
(Supplemental Report), March 26, 1979.
Kansas State Corporation, Commission Conservation Division, November 30, 1978.
Commonwealth of Kentucky, Department of Mines and Minerals, Division of Oil and Gas Conservation, February 5, 1979.
State of Louisiana, Department of Conservation, November 29, 1978.
State of Michigan, Department of Natural Resources, Geological Survey Division, December 1, 1978.
(Supplemental Report), March 7, 1979.
State Oil and Gas Board of Mississippi, November 30, 1978.
State of Montana, Department of Natural Resources and Conservation, January 29, 1979. State of Nebraska, Oil and Gas Conservation Commission, December 15, 1978.
State of New Mexico, Energy and Minerals Department, Oil Conservation Division, November 29, 1978.
New York State, Department of Environmental Conservation, February 23, 1979.
(Supplemental Report), May 2, 1979.
State of North Dakota, Geological Survey January 4, 1979.
State of Ohio, Department of Natural Resources, Division of Oil and Gas, December 6, 1978.
State of Oklahoma, Corporation Commission, March 29, 1979.
Osage Agency, Osage County, Oklahoma, Bureau of Indian Affairs, April 2, 1979.
State of Pennsylvania, Department of Environmental Resources, Division of Oil and Gas, December 28, 1978.
State of South Dakota, Department of Natural Resource Development, March 14, 1979.
State of Tennessee, Oil and Gas Board, December 19, 1978.
Railroad Commission of Texas, November 30, 1978.
(Supplemental Report), May 22, 1979.
United States Department of Interior, Geological Survey, January 19, 1979.
State of Utah, Department of Natural Resources, Division of Oil, Gas, and Mining, January 30, 1979.
Commonwealth of Virginia, Department of Labor and Industry, Division of Mines and Quarries, December 4, 1978.
West Virginia, Department of Mines, Oil and Gas Division, November 30, 1978.
State of Wyoming, Office of Oil and Gas Conservation Commission, December 4, 1978.

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17541 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-68]

North Penn Gas Co.; Pipeline Rates: General Rate Increase and Order

Issued May 30, 1979.

Before Commissioners: Charles B. Curtis, Chairman; Don S. Smith, Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall. North Penn Gas Company; Docket No. RP79-68, order accepting for filing and suspending rate increase, granting interventions, initiating hearing, and establishing procedures.

On April 30, 1979, North Penn Gas Company (North Penn) filed a revised tariff sheet [1] designed to increase revenues from jurisdictional sales by $1,974,553 annually. North Penn proposed June 1, 1979 as the effective date for this revised tariff sheet. The test period is based upon actual costs for the twelve months ended December 31, 1978, as adjusted for known and measurable changes through September 30, 1979.

North Penn states that the proposed rate increase is based upon increases in virtually all costs of operation, including increases in labor, materials, supplies, taxes and capital expenses. North Penn claims a need for an increased rate of return of 11.6% overall, yielding 15.01% on equity. The filing also reflects the current cost of purchased gas included in the Company's PGA filing effective December 1, 1978.

Notice of the proposed increase was issued May 2, 1979, with protests and petitions to intervene due by May 17, 1979. Petitions to Intervene were filed by the Corning Natural Gas Corporation, New York State Electric & Gas Corporation and the Public Service Commission of the State of New York. The Commission finds that all have demonstrated an interest in this proceeding warranting their participation, and the petitions shall therefore be granted.

Based upon a review of North Penn's filing, the Commission finds that the proposed general rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept the revised tariff sheet for filing, suspend its use for five months until November 1, 1979, when it shall become eligible to become effective in the manner prescribed in Section 4 of the Natural Gas Act, subject to refund, and shall set the matter for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by North Penn.

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[1] Sixty-First Revised Sheet No. PGA-1 to First Revised Volume No. 1 of North Penn's FERC Gas Tariff.

(B) Pending hearing and decision, Sixty-First Revised Sheet No. PGA–1 to First Revised Volume No. 1 of North Penn's FERC Gas Tariff is accepted for filing and suspended for five months until October 1, 1979, when it may become effective subject to refund, upon motion filed by North Penn in the manner prescribed by the Natural Gas Act.

(C) The Commission Staff shall prepare and serve top sheets on all parties on or before August 10, 1979.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(E) Public Service Commission of the State of New York, New York State Electric & Gas Corporation and the Corning Natural Gas Corporation are permitted to intervene in the captioned proceeding subject to the Commission's rules and regulations; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–17563 Filed 6–5–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CI79–432]

Pacific Lighting Exploration Co.; Application for a Certificate of Public Convenience and Necessity Pursuant to Section 2.75 of the Commission's General Policy and Intepretations

May 30, 1979.

Take notice that on April 30, 1979, Pacific Lighting Exploration Company (Petitioner), 720 West Eighth Street, Los Angeles, California 90017, filed an application in Docket No. CI79–432 for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (optional procedure). Petitioner seeks authorization to sell natural gas to Northern Natural Gas Company from Block A–511, High Island Area, Offshore, Texas. Petitioner also requests authorization for the initial contract price of $3.759 per Mcf with a price increase of 4% per year. Petitioner states that the requested rates are not only fully cost justified but are also within a zone of reasonableness because the subject reserves are located in Pleistocene age formations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–17549 Filed 6–5–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER 76–285, Phase II]

Public Service Co. of New Hampshire; Electric Rates and Order

Issued May 30, 1979.

Before Commissioners: Charles B. Curtis, Chairman; Don S. Smith, Georgiana Sheldon, and George R. Hall, Public Service Company of New Hampshire, Docket No. ER76–285 (Phase II); Order Granting Rehearing for Further Consideration.

An application for rehearing of the Opinion and Order Affirming Initial Decision, issued March 30, 1979, has been filed by Public Service Company of New Hampshire.

The Commission finds:

In order to afford additional time for consideration of the issues raised in the application for rehearing, proper administration of the Federal Power Act and the public interest warrant rehearing for the limited purpose of further consideration.

The Commission orders:

(A) Rehearing of the Opinion and Order Affirming Initial Decision, issued March 30, 1979, is hereby granted for the limited purpose of further consideration.

(B) Other parties may file responses to this application for rehearing in accordance with Section 1.34(d) of our Regulations.

(C) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–17564 Filed 6–5–79; 8:45 am]

BILLING CODE 6450–01–M

Reef Petroleum Corp.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979.

On May 10, 1979, the Federal Energy Regulatory Commission received notice of a determination pursuant to 18 CFR 274.104 of the Natural Gas Policy Act of 1978 applicable to:

State of Michigan, Department of Natural Resources

FERC Control Number: JD79–4727.
API Well Number: 31,863.
Section: 102.
Operator: Reef Petroleum Corporation.
Well Name: John H. Fallon 3–14.
Field: Addison "14".
County: Oakland.
Purchaser: Michigan Consolidated Gas Company.
Volume: 750 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any

correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-17574 Filed 6-5-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. TC79-124 et seq.]

Regis Gas Systems, Inc. et al.; Request for Waiver

May 25, 1979.

The petitioners listed in the appendix have requested the Commission to waive the filing requirements of 18 CFR § 281.104. Part 281 of the Commission's regulations implement the curtailment priority for essential agricultural use established by Section 401 of the Natural Gas Policy Act of 1978 (NGPA).

Some petitioners do not cite a procedural basis for their requested waiver. Others cite either NGPA Section 502(c) or 18 CFR § 1.7 or both. For all the petitioners listed in the appendix, the Commission shall deem their filings as requests for waiver pursuant to Section 1.7(b) of the Commission's regulations. Because the Commission's procedures for processing requests for adjustments are now well established, future requests for waiver of § 284.104 are expected to conform to the filing requirements of 18 CFR § 1.41.

None of the petitioners have curtailment tariffs on file with the Commission. Lone Star Gas Company, in Docket No. TC79-130, claims that it makes no sales for resale in interstate commerce. The other three petitioners claim that each has only one resale customer.

Any person desiring to be heard or to make any protest with reference to any petition for waiver should on or before June 22, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in the appropriate docket in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

Appendix

Docket No.	Petitioners	Date filed	Address
TC79-124	Regis Gas Systems, Inc	3/29/79	1616 West Loop South, Suite 205, Houston, Tex. 77027.
TC79-125	Locus & Ridge Gas Company	3/29/79	3000 Knight Office Bldg., Suite 216, Shreveport, La. 71105.
TC79-126	Consolidated System LNG	4/30/79	445 W. Main Street, Clarksburg, W. Va. 26301.
TC79-130	Lone Star Gas Company	5/21/79	301 S. Kanwood Street, Dallas, Tex. 75201.

[FR Doc. 79-17550 Filed 6-5-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP77-18 (CP67-337)]

South Texas Natural Gas Gathering Co. and Trunkline Gas Co.; Stipulation and Agreement

May 29, 1979.

Take Notice that on May 25, 1979, Trunkline Gas Company (Trunkline) and South Texas Natural Gas Gathering Company (South Texas) filed a Stipulation and Agreement with the Commission in order to properly dispose of all matters relating to an exchange imbalance that remained after the term of an exchange agreement between these pipelines which was certificated by Commission order issued on September 22, 1967, in Docket No. CP67-337 had expired.

At the expiration of the term of this exchange agreement, Trunkline had delivered approximately 1,281,000 Mcf over the corresponding volumes that it had received from South Texas under the arrangement certificated by the Commission in Docket No. CP67-337.

The noted exchange imbalance is presently an issue before the Commission in Docket No. CP77-18 where South Texas seeks authorization, pursuant to Section 7(b) of the Natural Gas Act, to abandon the exchange arrangement it was authorized to undertake with Trunkline in Docket No. CP67-337. Trunkline intervened in Docket No. CP77-18 to make certain that prior to granting the abandonment requested in Docket No. CP77-18 by South Texas that the issues relating to exchange imbalance outstanding at the time of the termination of the agreement would be resolved.

In order to resolve all issues with respect to the exchange imbalance, including all claims for unpaid monetary interest and any other costs incurred by Trunkline in maintaining the exchange imbalance, South Texas, upon the execution of this Stipulation and Agreement, paid over to Trunkline $1,300,000. In consideration of this payment and upon approval of this Stipulation and Agreement, Trunkline agrees to release South Texas from all claims, obligations and liability, contractual or otherwise, arising by virtue of the exchange imbalance. If the Commission issues a final order relative to this Stipulation and Agreement, which is not acceptable to the parties, Trunkline shall, within 10 days, repay the $1,300,000 to South Texas plus interest and the Stipulation and Agreement shall be deemed terminated.

As part of the Stipulation and Agreement, Trunkline requests that the Commission permit the withdrawal of its intervention in Docket No. CP77-18 and that it be permitted to join with South Texas in its application for abandonment of service in that docket. South Texas also requests that the Commission permit the withdrawal of its Petition for Determination of a Just and Reasonable Rate pursuant to Section 5 of the Natural Gas Act in Docket No. CP77-18.

Any person desiring to be heard or to make any comment or protest with reference to Trunkline's and South Texas' Stipulation and Agreement, as described above, should on or before June 14, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene, protests or comments in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Persons wishing to become parties to this proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Stipulation and Agreement is

on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17552 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-323]

South Texas Natural Gas Gathering Co.; Application

May 30, 1979.

Take notice that on May 24, 1979, South Texas Natural Gas Gathering Company (Applicant), Five Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CP79-323 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for 120 days, on an interruptible basis, of up to 25,000 Mcf of natural gas per day for Transcontinental Gas Pipe Line Corporation (Transco), as agent for various distribution customers,[1] all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is proposed that the subject service would be rendered for an initial 60 days and then for an additional 60-period, as provided by applicable regulations, after which Applicant would abandon said service. Applicant states that the gas would be received by it at Thompsonville, Jim Hogg County, Texas, and delivered to Transco through existing facilities in La Salle County, Texas. It is indicated that Transco, acting as agent for the distribution customers, would purchase the gas from Delhi Gas Pipeline Corporation (Delhi) and that the gas is to be received from Houston Pipe Line Company, which in turn would receive the gas from Delhi on an interruptible basis. For the proposed service, Applicant would charge Transco 4.58 cents per Mcf, plus an allowance for compressor fuel and lost and unaccounted for gas.

Applicant states that it is advised that the gas to be transported would be used as boiler fuel in order to displace fuel oil and that several of the distribution customers would resell the gas to industries and electric utilities for use as boiler fuel.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and The Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certifcate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17553 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-314]

Southern Natural Gas Co.; Application

May 29, 1979.

Take notice that on May 17, 1979, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP79-314 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a limited-term transportation service for Florida Gas Transmission Company (Florida Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Florida Gas has arranged to purchase certain quantities of gas for a limited-term from Shell Oil Company (Shell), which gas would be produced by Shell from Mississippi Canyon Block 311, offshore Louisiana, and would be delivered by Shell to Applicant's existing meter on Shell's "B" Platform in West Delta Block 133, offshore Louisiana, for Florida Gas' account. Applicant proposes to receive and transport up to 3,000 Mcf of natural gas per day at 15.025 psia on a firm basis and to transport on an interruptible basis such additional volumes as Applicant's pipeline facilities and its system's capacity requirements allow from the inlet side of Applicant's existing meter on Shell's "B" Platform to the existing point of interconnection between the pipeline facilities of Applicant and Florida Gas near Franklinton, Louisiana. Applicant indicates that such gas redelivered to Florida Gas at the redelivery point would be corrected for differences in Btu content between the delivery point and the redelivery point and would be less Florida Gas' *pro rata* share of gas used for compression and dehydration, any lost or unaccounted-for gas upstream of the redelivery point, any loss as a result of gas processing and adjusted for differences in pressure base.

It is stated that Florida Gas would pay Applicant 14.7 cents per Mcf at 14.73 psia received at the delivery point, less gas used for compression and lost and unaccounted for gas, which transportation charge is based on the rate Applicant presently charges Florida Gas for essentially similar transportation service.

Applicant requests that the proposed transportation service be authorized for a limited-term commencing with the date of initial deliveries and ending on the earlier of the date on which gas purchased by Florida Gas from Mississippi Canyon Block 311 can be delivered to Florida Gas through new facilities on Mississippi Canyon Block 311 Platform "A", or on the date on which Applicant received notice from Florida Gas that Shell no longer has capacity to gather gas for Florida Gas' account at the delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will

[1] Public Service Electric and Gas Company, South Jersey Gas Company, Delmarva Power & Light Company, Long Island Lighting Company, Philadelphia Gas Works, Eastern Shore Natural Gas Company, Elizabethtown Gas Company, Consolidated Edison Company of New York, Inc., and the City of Greer, South Carolina.

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17551 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-316]

Stingray Pipeline Co.; Application

May 29, 1979.

Take notice that on May 21, 1979, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP79-316 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interconnection of the existing Stingary system with a proposed gathering line to be constructed by Sea Robin Pipeline Company (Sea Robin) in West Cameron Block 550, offshore Louisiana, and with a proposed gathering line to be constructed by Natural Gas Pipeline Company of America (Natural), United Gas Pipeline Company (United), and Sea Robin in East Cameron Block 281, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that Stingray requests authority to amend its Rate Schedule T-2 of its FERC Gas Tariff, Orginial Volume No. 1, with respect to the points of receipt on its existing offshore system for or receipt of volumes to be transported for United.

Stingray states that on March 13, 1979 and April 10, 1979, Stingray and United amended the transportation agreement between them of September 12, 1973. It is stated that the March 13, 1979 amendment added West Cameron Block 563 to the recitation of blocks from which natural gas and associated hydrocarbon liquids (other than oil) are to be transported, and provided for the addition of a new point of receipt therefor in West Cameron Block 550. The amendment of April 10, 1979 added East Cameron Block 281 to the recitation of blocks from which natural gas and associated hydrocarbon liquids are to be transported, and provided for the addition of a new point of receipt therefor in East Cameron Block 281, it is asserted.

Stingray states that the new point of receipt of gas by Stingray from West Cameron Block 563 would be located at the intersection of a twelve-inch pipeline to be constructed by Sea Robin from West Cameron Block 563 to an existing twelve-inch underwater tap on Stingray's thirty-inch pipeline in West Cameron Block 550. The gas which Sea Robin would deliver at such interconnection would be gas produced from West Cameron Block 563 and would be delivered to Stingray for the account of United, it is stated.

It is indicated that the new point of receipt of gas by stingray from East Cameron Block 281 would be at the intersection of a ten-inch pipeline to be constructed by Natural, United and Sea Robin from the Tenneco Oil Company, *et al.*, B platform in East Cameron Block 281, to connect to Stingray's sixteen-inch pipeline in East Cameron Block 281. The gas which Natural, *et al.*, would deliver at such interconnection would be gas produced from said platform in East Cameron Block 281 and would be delivered to Stingray for the account of United and Natural.

Stringray states that it would transport for United or for United's account, pursuant to Rate Schedule T-2, gas which is to be delivered to Stingray from the proposed interconnections, to the northern terminus of Stingray's system near Holly Beach, Louisiana, as a part of United's transportation capacity in the Stingray system. Stingray further states that it would then deliever such gas to Natural for the account of United, and Natural would then transport and redeliver such gas to United pursuant to existing arrangements between Natural and United.

It is indicated that included in the gas which is to be delivered to Stingray from the proposed interconnection in East Cameron Block 281, would be Sea Robin's share of the gas produced from the East Cameron Block 281 B platform. United would utilize a portion of its transportation capacity in the Stingray system to transport Sea Robin's share of the gas, it is stated.

Stringray states that Natural's share of the gas from East Cameron Block 281, which Natural would deliver to Stingray at the proposed point of interconnection in said block, would be transported by Stingray pursuant to Stingray's Rate Schedule T-1, as a part of Natural's transportation capacity in the Stingray system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17554 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-311]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Application

May 29, 1979.

Take notice that on May 17, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79-311 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Columbia Gas Transmission Corporation (Columbia), and the construction and operation of minor interconnection facilities on its pipeline system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 30,000 Mcf of natural gas per day for Columbia pursuant to the terms of a transportation agreement dated April 25, 1979, between the two companies. It is stated that Columbia would deliver, or cause delivery of such gas to Applicant at the points of receipt at or near Applicant's Main Line Valves 223 and 225 in Erie County, Pennsylvania, and Chautauqua County, New York. Applicant requests authorization to construct and operate a side valve at each of the points of receipt. The cost of such side valves would be borne by Columbia, it is stated. Applicant states that in order to assist Columbia in receiving natural gas produced from reserves owned by Columbia and underlying Columbia's acreage in New York and Pennsylvania, Applicant would receive up to 30,000 Mcf per day at the aforementioned delivery points, and would transport and redeliver related volumes to Columbia at existing delivery points in Beaver County, Pennsylvania, at Valve 217A-103+18.08 miles (Milford Delivery Point), or, from time to time, when required by operating conditions, at other existing points of interconnection between the facilities of Applicant and Columbia as may be mutually agreed upon.

It is stated that Columbia would pay Applicant for the proposed transportation service a transportation rate as set forth in Article XI of the April 25, 1979, transportation agreement between Applicant and Columbia, which agreement basically provides that Columbia would pay Applicant each month for the transportation service according to the schedule set forth, including: a monthly demand charge equal to $0.30 multiplied by the billing demand and a volume charge equal to 3.70 cents per Mcf.

It is asserted that the proposed transportation service would provide additional gas supplies for Columbia's customers from production in Pennsylvania and New York.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17555 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

The Superior Oil Co., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979.

On May 14, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Louisiana, Department of Natural Resources, Office of Conservation

FERC Control Number: JD79-4816.
API Well Number: 17 109 22046.
Section of NGPA: 102.
Operator: The Superior Oil Company.
Well Name: VUA; LL&E. U 13 NO. 5-D.
Field: Four Isle Dome.
County: Terrebonne Parish.
Purchaser: United Gas Pipe Line Co.
Volume: 365 MMcf.

FERC Control Number: JD79-4817.
API Well Number: 1710922061.
Section of NGPA: 102.
Operator: Prentice Oil and Gas Co.
Well Name: Prentice Oil and Gas Co. No. 1 Dennis Cenac.
Field: Lake Barre.
County: Terrebonne.
Purchaser: See Remark No. 1.
Volume: 900 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17572 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-313]

Transcontinental Gas Pipe Line Corp.; Application

May 29, 1979.

Take notice that on May 17, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P. O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-313 an application pursuant to

Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Amoco Production Company (Amoco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant seeks authorization to transport for Amoco, on an interruptible basis, natural gas to be produced and delivered into Applicant's existing pipeline facilities in the Oakvale Field, Jefferson Davis and Marion Counties, Mississippi. Applicant states that under a transportation agreement with Amoco, Applicant would receive from Amoco in the Oakvale Field an aggregate quantity of gas equal to two-thirds (66.67 percent) of the quantity of gas produced by Amoco, up to 12,000 dekatherms (dt) equivalent per day, and deliver a thermally equivalent quantity to Florida Gas Transmission Company (Florida) for the account of Amoco at the existing points of interconnection between Applicant and Florida in St. Helena and Vermilion Parishes, Lousiana. The transportation agreement also provides that when Applicant and Amoco mutually agree, Applicant would defer delivery of any or all transportation quantities for Amoco during the months of November, December, January, February and March and that upon Amoco's request, such cumulative undelivered quantities would be delivered for Amoco during the months of April, May, June, July, August, September and October, provided the total daily quantities delivered by Applicant for Amoco hereunder during such months would be limited to the lesser of eighty-three and thirty-four hundredths percent of Amoco's interest in the daily volumes of gas actually produced, or 15,000 dt, it is stated.

Applicant states that Amoco would pay Applicant a charge of 3.5 cents per dt delivered to Florida hereunder. It is indicated that no new facilities are required to render the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17557 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Trident Oil & Gas Corp.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979.

On May 16, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Louisiana, Department of Natural Resources, Office of Conservation

FERC Control Number: JD79-5735
API Well Number: 1712720593
Section of NGPA: 102
Operator: Trident Oil and Gas Corporation
Well Name: Olinkraft No. 7
Field: North Hickory Valley
County: Winn
Purchaser: United Gas Pipe Line Company
Volume: 45.0 MMcf.

FERC Control Number: JD79-5736
API Well Number: 171270698
Section of NGPA: 102
Operator: Trident Oil and Gas Corporation
Well Name: Olinfraft No. 10
Field: West Hickory Valley Field
County: Winn
Purchaser: United Gas Pipeline Company
Volume: 90.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17573 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

True Oil Co., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979.

On May 14, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Montana Department of Natural Resources and Conservation, Board of Oil and Gas Conservation

FERC Control Number: JD79-4818.
API Well Number: 25-085-21124.
Section of NGPA: 102.
Operator: True Oil Company.
Well Name: Consolidated State 42-20.
Field: Wildcat.
County: Rossevelt.
Purchaser: Montana Dakota Utilities.
Volume: 60.0 MMcf.

FERC Control Number: JD79-4819.
API Well Number: 25-101-21307.
Section of NGPA: 102.
Operator: Chas. W. Austin.
Well Name: Austin No. 2 State LSE. 7815-64.
Field: Rattlesnake Coullee.
County: Toole.
Purchaser: NA.
Volume: NA.

FERC Control Number: JD79-4820.
API Well Number: 25-041-21312.
Section of NGPA: 103.
Operator: Bolin Oil Company.
Well Name: Bolin-Frost Larson No. 1.
Field: Tiger Ridge.
County: Hill.
Purchaser: Northern Natural Gas Company.
Volume: 23,188.45 MMcf.

FERC Control Number: JD79-4821.
API Well Number: 25-083-21147-00.
Section of NGPA: 102.
Operator: True Oil Company.

Well Name: Burlington Northern 42–1.
Field: Blue Hill Field.
County: Richland.
Purchaser: Montana Dakota Utilities.
Volume: 23.0 MMcf.

FERC Control Number: JD79–4822.
API Well Number: 25–083–21196.
Section of NGPA: 102.
Operator: Farmers Union Central Exchange, Inc.
Well Name: State 8–36.
Field: Mon Dak West.
County: Richland.
Purchaser: Shell Oil Company.
Volume: 15 MMcf.

FERC Control Number: JD79–4823.
API Well Number: 25–025–21124.
Section of NGPA: 103.
Operator: Shell Oil Company.
Well Name: Pennel Unit No. 13X–12.
Field: Pennel.
County: Fallon.
Purchaser: Montana Dakota Utilities Co.
Volume: 16.0 MMcf.

FERC Control Number: JD79–4824.
API Well Number: 25–005–22001.
Section of NGPA: 103.
Operator: J. Burns Brown.
Well Name: State 33–33–18.
Field: Lohman Gas Field.
County: Blaine.
Purchaser: Northern Natural Gas Company.
Volume: 109 MMcf.

FERC Control Number: JD79–4825.
API Well Number: 25–083–21265.
Section of NGPA: 103.
Operator: Pennzoil Company.
Well Name: Pennzoil—Pederson No. 2.
Field: Lonetree Creek.
County: Richland.
Purchaser: Montana Dakota Utilities Co.
Volume: 50 MMcf.

FERC Control Number: JD79–4826.
API Well Number: 25–005–21637.
Section of NGPA: 108.
Operator: Clay H. McCartney.
Well Name: S Bar B Ranch No. 15–1.
Field: Bowes.
County: Blaine.
Purchaser: Northern Natural Gas Co.
Volume: 17 MMcf.

FERC Control Number: JD79–4827.
API Well Number: 25–005–21683.
Section of NGPA: 108.
Operator: Clay H. McCartney.
Well Name: S Bar B Ranch No. 15–2.
Field: Bowes.
County: Blaine.
Purchaser: Northern Natural Gas Co.
Volume: .17 MMcf.

FERC Control Number: JD79–4828.
API Well Number: 25–005–21793.
Section of NGPA: 108.
Operator: Clay H. McCartney.
Well Name: S Bar B Ranch 15–3.
Field: Bowes.
County: Blaine.
Purchaser: Northern Natural Gas Co.
Volume: 17 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–17570 Filed 6–5–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP78–479]

Trunkline Gas Co., et al.; Petition To Amend

May 30, 1979.

Take notice that on May 18, 1979, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, (Petitioners) filed in Docket No. CP78–479 a petition to amend the Commission's order of November 22, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation and exchange of up to 12,500 Mcf of natural gas per day, in lieu of the 7,500 Mcf per day originally authorized, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is stated that pursuant to the order of November 22, 1978, Trunkline was granted authorization to transport and/or exchange up to 7,500 Mcf of natural gas per day for Consolidated for a 10-year period pursuant to the terms of a transportation agreement dated June 20, 1978, between the parties.

Petitioners request that the Commission amend the subject order so as to authorize Trunkline to transport and/or exchange up to 12,500 Mcf of natural gas per day for Consolidated which volumes represent Consolidated's interest in production from Vermilion Blocks 338 and 329, offshore Louisiana. It is stated that CNG Production Company (CNG) owns 100 percent of the production from Vermilion Block 338 and that Husky Oil Company (Husky) owns 100 percent of the production from Vermilion Block 329. It is further stated that due to unitization of the two blocks by Husky and CNG and drilling thereon, additional data has become available. Based on such data, Consolidated's share of the production is now estimated to be up to 12,500 Mcf per day, and Consolidated has requested that Trunkline transport or exchange such additional volumes, it is stated. Petitioners state that on February 8, 1979, they executed an amendment to the transportation and exchange agreement, dated June 20, 1978, which amendment provides that Trunkline would receive from Consolidated at the point of receipt on a firm basis up to 12,500 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 21, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–17558 Filed 6–5–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ES79–45]

Union Electric Co.; Application

May 31, 1979.

Take notice that on May 18, 1979, Union Electric Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act seeking an order authorizing the issuance of short-term, unsecured promissory notes in the amount of $200,000,000, of which up to $100,000,000 may be in the form of commercial paper, that will reach maturity not later than December 31, 1981. The Applicant is a Missouri Corporation, with its principal business office at St. Louis, Missouri, and is engaged in the electric utility business in Missouri, Iowa and Illinois.

The Applicant states that the proceeds will be used to finance in part the Applicant's construction program for 1980 and 1981 (which will approximately total $853,400,000).

Any person desiring to be heard or to make any protest with reference to the application should on or before June 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17559 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Union Oil Co. of California, et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1979

May 30, 1978.

On May 14, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

United States Department of the Interior Geological

FERC Control Number: JD79-4776
API Well Number: 1770240407
Section of NGPA: 102
Operator: Union Oil Company of California
Well Name: OCS-G 2024 No. A-6
Field: NA
County: NA
Purchaser: Columbia Gas Transmission Corp.
Volume: 1,800 MMcf.

FERC Control Number: JD79-4777
API Well Number: 1770040291 S1
Section of NGPA: 102
Operator: Union Oil Company of California
Well Name: OCS-G 0911 #B-4
Field: NA
County: NA
Purchaser: Texas Eastern Transmission Corp.
Volume: 3,690 MMcf.

FERC Control Number: JD79-4778
API Well Number: 1770540318S1
Section of NGPA: 107
Operator: Union Oil Company of California
Well Name: OCS 0297 No. 30
Field: NA
County: NA
Purchaser: NA
Volume: 6,205 MMcf.

FERC Control Number: JD79-4779
API Well Number: 1770040296 S1
Section of NGPA: 102
Operator: Union Oil Company of California
Well Name: OCS-G 0911 #B-5
Field: NA
County: NA
Purchaser: Texas Eastern Transmission Corp.
Volume: 2,210 MMcf.

FERC Control Number: JD79-4780
API Well Number: 1770540206S1
Section of NGPA: 102
Operator: Union Oil Company of California
Well Name: OCS-G 3120 No. 1
Field: NA
County: NA
Purchaser: Northern Natural Gas Co.
Volume: 1,300 MMcf.

FERC Control Number: JD79-4781
API Well Number: 1770540168S1
Section of NGPA: 102
Operator: Union Oil Company of California
Well Name: OCS 0559 No. 1
Field: NA
County: NA
Purchaser: Transcontinental Gas Pipe Line Corp.
Volume: 2,300 MMcf.

FERC Control Number: JD79-4782
API Well Number: 1770040281 S1
Section of NGPA: 102
Operator: Union Oil Company of California
Well Name: OCS-G 0911 #B-2
Field: NA
County: NA
Purchaser: Texas Eastern Transmission Corp.
Volume: 3,690 MMcf.

FERC Control Number: JD79-4783
API Well Number: 177124011500S1
Section of NGPA: 102
Operator: CNG Producing Company
Well Name: A-11S1
Field: NA
County: NA
Purchaser: Consolidated Gas Supply Corp.
Volume: 329 CNG WI MMcf. 1095 Gross.

FERC Control Number: JD79-4784
API Well Number: 177124012100D1
Section of NGPA: 102
Operator: CNG Producing Company
Well Name: A-12D1
Field: NA
County: NA
Purchaser: Consolidated Gas Supply Corp.
Volume: 164 CNG WI MMcf. 548 Gross.

FERC Control Number: JD79-4785
API Well Number: 177124010200D2
Section of NGPA: 102
Operator: CNG Producing Company
Well Name: A-9D2
Field: NA
County: NA
Purchaser: Consolidated Gas Supply Corp.
Volume: 420 CNG WI MMcf. 1,400 Gross.

FERC Control Number: JD79-4786
API Well Number: 177124008200D1
Section of NGPA: 102
Operator: CNG Producing Company
Well Name: A-4D1
Field: NA
County: NA
Purchaser: Consolidated Gas Supply Corp.
Volume: 219 CNG WI MMcf. 730 Gross.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17570 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-44]

Upper Peninsula Generating Co.; Application

May 30, 1979

Take notice that on May 18, 1979, Upper Peninsula Generating Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204(a) of the Federal Power Act, to issue short-term notes and bankers' acceptances of an aggregate principal amount of up to $45,000,000. The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in generation and transmission of electric energy for sale to its owners, Upper Peninsula Power Company and Cliffs Electric Service Company.

The proceeds from the sale of the notes and bankers' acceptances will be used for the purchase of coal supplies through July 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 21, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17566 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-43]

Upper Peninsula Power Co.; Application

May 30, 1979.

Take notice that on May 18, 1979, Upper Peninsula Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $11,000,000. The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in the electric utility business in a 4,460 square mile area in the upper peninsula of Michigan with a population of approximately 140,000.

The proceeds from the sale of the notes will be used, pending permanent financing, to finance the continuation of the Applicant's construction program, and the purchase of fuel supplies through June 30, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 21, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-17565 Filed 6-5-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP79-66]

Western Gas Interstate Co.; Pipeline Rates: Suspension and Order

Issued May 30, 1979.

Before Commissioners: Charles B. Curtis, Chairman; Don S. Smith, Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall, Western Gas Interstate Company, Docket No. RP79-66, order accepting for filing and suspending proposed rate increase, subject to conditions, granting waiver, rejecting alternative tariffs and establishing procedures.

On April 30, 1979, Western Gas Interstate Company, (Western) tendered for filing proposed changes in its FERC tariff [1] proposed to become effective June 1, 1979. The filing would increase annual jurisdictional revenues by 18% or $1,234,092. The proposed increased rates are based on a test period consisting of actual costs for the twelve months ended December 31, 1978, as adjusted for known and measurable changes in costs for the nine months ending September 30, 1979.

Western also filed alternative tariff sheets [2] to track changes in the cost of transmission and compression of gas by others. This would allow Western to file revisions to its rates to reflect changes in the costs for transmission and compression of gas by others resulting from variations in the volumes of gas transported to Western's customers, and from changes in the tariff rates of other natural gas companies for transmission and compression of gas.

Western proposes an overall rate of return of 12.5% based on its parent company's (Southern Union Company) capital structure. Western also states that the increased rates are necessary to recover increased costs of material, supplies and labor. The rates are predicated upon a 46% federal income tax rate. Western's filing also reflects in its cost of service $424,371 associated with certain facilities which were not in service at the time of the filing.

Public notice of the instant filing was issued on May 1, 1979, providing for protests or petitions to intervene to be filed on or before May 17, 1979.

Based upon a review of Western's filing the Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the proposed tariff sheets, reject the alternative tariff sheets, suspend the effective date of the proposed tariff sheets for five months until November 1, 1979, subject to refund and the conditions set forth below, and set the matter for hearing. Consistent with the provisions of § 154.63(e)(2)(ii) of the Commission's Regulations, Western Gas shall be rquired to file revised tariff sheets reflecting elimination from its rates of costs associated with facilities which are not in service on or before September 30, 1979.

Western's alternative tariff sheets would permit periodic revisions to Western's rates to reflect changes in the transmission and compression rates of others. To determine the reasonableness of rates the Commission must be in position to compare the total annual jurisdictional costs of service with the total annual revenues. To permit a rate change premised on a change in only one cost item would not provide such a comparison. Accordingly, we reject Western's alternative tariff sheets but do so without prejudice to Western's right to make a showing in this proceeding that its pro forma sheets are just and reasonable and should be afforded prospective application.

We impose a further condition that Western shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission-approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly, sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Western.

(B) Pending hearing and decision, and subject to the conditions enumerated in this order, the effectiveness of Thirteenth Revised Sheet No. 3A—Original Volume No. 1, and Third Revised Sheet No. 1A—Original Volume No. 2 is suspended for five months, until November 1, 1979, when they shall be permitted to become effective, subject to refund, upon motion filed by Western in accordance with the provisions of the Natural Gas Act, and subject to the conditions set forth below.

(C) Western's alternative tariff sheets are rejected without prejudice to Western demonstrating in this proceeding that the pro forma tariff sheets are just and reasonable and otherwise lawful and should be afforded prospective application.

(D) Western shall file prior to November 1, 1979, revised tariff sheets to reflect the elimination of facilities not in service as of September 30, 1979. Western shall not be permitted to make

[1] Thirteenth Revised Sheet No. 3A—Original Volume No. 1 and Third Revised Sheet No. 1A—Original Volume No. 2.

[2] Alternate Revised Sheet No. 3A to Original Volume No. 1, Alternative Third Revised Sheet No. 1A to Original Volume No. 2, Pro Forma Original Sheets Nos. 33D through 33H to Original Volume No. 1.

offsetting adjustments to the suspended rates except for those adjustments made pursuant to Commission-approved tracking provisions and those adjustments required by this and other Commission orders.

(E) The Commission shall prepare and serve top sheets on all parties on or before August 30, 1979.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 79-17567 Filed 6-5-79; 8:45 am]
BILLING CODE 6450-01-M

Mesa Petroleum Co.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 31, 1979.

On May 7, 1979, the Federal Energy Regulatory Commission received notice of a determination pursuant to 18 CFR 274.104 of the Natural Gas Policy Act of 1978 applicable to:

Department of Interior Geological Survey
FERC Control Number: JD79-4740
API Well Number: 49-005-24440
Section: 103
Operator: Mesa Petroleum Co.
Well Name: 3-19-Powell Federal
Field: Hartzog Draw Shannon Sand
County: Campbell
Purchaser: Panhandle Eastern Pipeline Co.
Volume: 19 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Comission's Office of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 21, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-17568 Filed 6-5-79; 8:45 am]
BILLING CODE 6450-01-M

Cases Filed With the Office of Hearings and Appeals; Week of March 30 Through April 6, 1979

Notice is hereby given that during the week of March 30, 1979 through April 6, 1979, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice (June 6, 1979) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Apeals, Department of Energy, Washington, D.C. 29461.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
May 30, 1979.

Date	Name and location of applicant	Case No.	Type of submission
If granted: The following firms would receive a temporary stay, a stay, and/or exception from the activation of the Standby Petroleum Product Allocation regulations with respect to motor gasoline.			
3/30/79	B & B Oil Company, Inc., Spokane, Washington	DEE-3194	Allocation Exception.
3/30/79	Bale Oil Company, Horse Cave, Kentucky	DEE-3422	Allocation Exception.
3/30/79	Big John's Exxon, Jacksonville, Florida	DEE-3183 and DST-3183.	Allocation Relief, Request for Temporary Stay.
3/30/79	Brown's Exxon and Grocery, Leicester, North Carolina.	DEE-3191	Allocation Exception.
3/30/79	Catanese Brothers Service Station, Commack Long Island, New York.	DEE-3180 and DES-3180.	Allocation Exception and Request for Stay.
3/30/79	Dan's Mobile, Pasadena, Texas	DEE-3184	Allocation Relief, Request for Temporary Stay.
3/30/79	Gibson's Komfort Air, Inc., North Hollywood, California.	DEE-3182	Allocation Exception and Request for Temporary Stay.
3/30/79	Glider Oil Company, Inc., Oswego, New York	DEE-3190	Allocation Exception.
3/30/79	Go-Tane Service Stations, Forest Park, Illinois	DEE-3175, DES-3175 and DST-3175.	Allocation Relief, Request for Stay and Temporary Stay.
3/30/79	Hays Oil Company, North Little Rock, Arkansas	DEE-2857, DES-2857 and DST-2857.	Allocation Relief, Request for Stay and Temporary Stay.
3/30/79	Janice DuPree Parts & Sales, Blythe, California	DEE-3176, DES-3176 and DST-3176.	Allocation Exception, Request for Temporary Stay and Stay.
3/30/79	Arnold Kelnhofer, Green Bay, Wisconsin	DEE-3178 and DES-3178.	Allocation Exception, Request for Stay.
3/30/79	LJ's Gulf Service Station, Opelousas, Louisiana	DEE-3193	Allocation Exception.
3/30/79	Midland Energy Corporation, Liberty, Missouri	DEE-3188	Allocation Exception.
3/30/79	Neptune Petroleum Inc., Brooklyn, New York	DEE-3378	Allocation Relief.
3/30/79	Melvin Olsen, Woburn, Massachusetts	DEE-3227	Allocation Exception.
3/30/79	Rodrigue's Exxon, Plaquemine, Louisiana	DEE-3177 and DES-3177.	Allocation Exception, Request for stay.

Date	Name and location of applicant	Case No.	Type of submission
3/30/79	Stones River Exxon, Hermitage, Tennessee	DEE-3185	Allocation Exception.
3/30/79	Teber's Inc., National City, California	DEE-3185	Allocation Exception.
3/30/79	Tenley's Standard, Milwaukee, Wisconsin	DEE-3192	Allocation Relief.
3/30/79	Thorsgard's Big Sioux, Inc., Grand Forks, North Dakota.	DEE-3179 and DES-3179.	Allocation Exception, Request for Stay.
3/30/79	Tom's Village Arco, Sturtevant, Wisconsin	DEE-3181 and DES-3181.	Allocation Relief, Request for Stay.
3/30/79	United States Oil Company, Washington, D.C.	DEE-3174, DES-3174 and DST-3174.	Allocation Exception, Request for Stay and Request for Temporary Stay.
4/2/79	Larry Armstrong, Los Gatos, California	DEE-3196, DES-3196 and DST-3196.	Allocation Exception, Request for Temporary Stay and Stay.
4/2/79	B & B Chevron, Garden Grove, California	DEE-3242	Allocation Exception.
4/2/79	B-C Enterprises, Fullerton, California	DEE-3228	Allocation Relief.
4/2/79	Bainbridge Enterprises, Hammond, Indiana	DEE-3221	Allocation Relief.
4/2/79	Bassett's 66 Service, Bartonville, Illinois	DST-0048	Request for Temporary Stay.
4/2/79	Bob Webb's Arco Service, Long Beach, California	DEE-3243	Allocation Relief.
4/2/79	Bruckens Auto, Dayton, Ohio	DEE-3201 and DES-3201.	Allocation Relief, Request for Stay.
4/2/79	C. C. Anacker Chevron, Ventura, California	DEE-3235	Allocation Relief.
4/2/79	Causeway Shell, Metairie, Louisiana	DEE-3207 and DST-3207.	Allocation Exception and Request for Temporary Stay.
4/2/79	Chevron U.S.A., Inc., San Francisco, California	DEE-3153, DES-3153 and DST-3153.	Allocation Exception, Request for Temporary Stay and Stay.
4/2/79	Circle R #4, Port Allen, Louisiana	DEE-3197, DES-3197 and DST-3197.	Allocation Relief, Request for Stay and Temporary Stay.
4/2/79	Coloma Exxon, Rancho Cordova, California	DEE-3214 and DST-3214.	Allocation Exception, Request for Temporary Stay.
4/2/79	Concord Oil of Newport, Inc., Concord, Massachusetts.	DEE-3203 and DES-3203.	Allocation Exception, Request for Stay.
4/2/79	Davison's Service Station, Hamilton, Montana	DEE-3210	Allocation Exception.
4/2/79	Don Phelps Texaco, Oroville, California	DEE-3211 and DST-3211.	Allocation Exception, Request for Temporary Stay.
4/2/79	Cecil Ellis, Channelview, Texas	DEE-3205 and DES-3205.	Allocation Exception, Request for Stay.
4/2/79	Fortune Oil Corp., Fayetteville, North Carolina	DEE-3212 and DST-3212.	Allocation Exception and Request for Temporary Stay.
4/2/79	Fred Kistler Oil Company, Inc., Coffeyville, Kansas	DEE-3213 and DST-3213.	Allocation Relief, Request for Temporary Stay.
4/2/79	Gaithersburg Exxon, Gaithersburg, Maryland	DEE-3187 and DES-3187.	Allocation Exception, Request for Stay.
4/2/79	Gary Kelley Chevron, Huntington Beach, California	DEE-3238	Allocation Exception.
4/2/79	Gas Garden, Cucamonga, California	DEE-3312	Allocation Relief.
4/2/79	Gay's Service Station, Inc., Atlanta, Georgia	DEE-3219	Allocation Exception.
4/2/79	Green Bay Standard, Glendale, Wisconsin	DEE-3223	Allocation Exception.
4/2/79	Harrell Petroleum Company, Austin, Texas	DEE-3198, DES-3198 and DST-3198.	Allocation Exception, Request for Temporary Stay and Stay.
4/2/79	Harry's Mobil, San Clemente, California	DEE-3229	Allocation Relief.
4/2/79	Jack R. LeMunyon, Inc., Colton, California	DEE-3234	Allocation Exception.
4/2/79	Jeff's Standrd, Milwaukee, Wisconsin	DEE-3222	Allocation Exception.
4/2/79	Keahey's Friendly Service, Dallas, Texas	DEE-3209 and DST-3209.	Allocation Exception and Request for Temporary Stay.
4/2/79	Kelly's Exxon, Tyler, Texas	DEE-3231	Allocation Exception.
4/2/79	Ken's Union 76, Flint, Michigan	DEE-3426	Allocation Exception.
4/2/79	L. S. & J. M. Gravelle, Inc., Winnsboro, Louisiana	DEE-3220	Allocation Exception.
4/2/79	Lakewood Trucker's Paradise, Halifax, North Carolina.	DEE-3427, DES-3427 and DST-3427.	Allocation Exception, Request for Stay, Request for Temporary Stay.
4/2/79	Lansing-Lewis Company, Lansing, Michigan	DEE-3216	Allocation Relief.
4/2/79	William Ted Langston, Reisterstown, Maryland	DEE-3204 and DES-3204.	Allocation Exception, Request for Stay.
4/2/79	Little Canada Mobil, St. Paul, Minnesota	DEE-3197, DES-3197 and DST-3197.	Allocation Relief, Request for Stay and Temporary Stay.
4/2/79	Lou Balady's Texaco Service, Phoenix, Arizona	DEE-3230	Allocation Exception.
4/2/79	Mardiros Torikian Chevron, Anaheim, California	DEE-3237	Allocation Exception.
4/2/79	Mario Bulk Sales, Inc., Lincoln, Nebraska	DST-0049	Request for Temporary Stay.
4/2/79	Merrydale Shell, Baton Rouge, Louisiana	DEE-3208 and DST-3208.	Allocation Exception.
4/2/79	Mid-Atlantic Petroleum Corp., Washington, D.C.	DST-0050	Request for Temporary Stay.
4/2/79	Miller's Exxon, Grambling, Louisiana	DEE-3202 and DES-3202.	Allocation Relief, Request for Stay.
4/2/79	Mission Car Care, Pomona, California	DEE-3232	Allocation Exception.
4/2/79	Mooresville Oil Co., Inc., Mooresville, North Carolina.	DEE-3225	Allocation Exception.
4/2/79	Oak Park Exxon, Lake Charles, Louisiana	DEE-3226	Allocation Relief.
4/2/79	Oak Park-I-210 Shell, Lake Charles, Louisiana	DEE-3206 and DST-3206.	Allocation Exception and Request for Temporary Stay.
4/2/79	Oakland Quik-Six, Shorewood, Wisconsin	DEE-3224	Allocation Exception.
4/2/79	P. Wotherspoon, Inc., Fortuna, California	DEE-3420	Allocation Exception.
4/2/79	Park Caldwell & Sons, Inc., Tooele, Utah	DEE-3233	Allocation Relief.
4/2/79	Ray's Chevron Service, Lakewood, California	DEE-3236	Allocation Relief.
4/2/79	San Francisco Petroleum Co., San Francisco, California.	DEE-3217	Allocation Exception.
4/2/79	Sosenko Chevron Service, Lawrenceville, Georgia	DEE-3239 and DES-3239.	Allocation Relief and Request for Stay.
4/2/79	Stuart Enterprises, Concord, California	DEE-3215	Allocation Exception.

Date	Name and location of applicant	Case No.	Type of submission
4/2/79	Westwood Tune-up Center, Westwood, California	DEE-3241	Allocation Relief.
4/2/79	Wil Aymond's Texaco, Lafayette, Louisiana	DEE-3188	Allocation Exception.
4/3/79	Michael D. Adamick, Enfield, Connecticut	DEE-3363	Allocation Exception.
4/3/79	Addington Oil Company, Gate City, Virginia	DEE-3382	Allocation Exception.
4/3/79	Al Kunard's Chevron Service, Chamblee, Georgia	DEE-3240	Allocation Exception.
4/3/79	Amoco of Commack, Commack, New York	DEE-3389	Allocation Exception.
4/3/79	Andy's Conoco Bulk, Glasgow, Montana	DEE-3253 and DES-3253.	Allocation Exception, Request for Stay.
4/3/79	Bedell's Amoco, Bridgeport, Connecticut	DEE-3368	Allocation Exception.
4/3/79	Belmont Mobile Service, Belmont, Massachusetts	DEE-3350	Allocation Exception.
4/3/79	Big Quick Stop, Ruston, Louisiana	DEE-3390 and DES-3390.	Allocation Exception, Request for Stay.
4/3/79	Bill Moore's Exxon, Baton Rouge, Louisiana	DEE-3388	Allocation Exception.
4/3/79	Bill's Pershing Mobile, Derby, Connecticut	DEE-3349	Allocation Relief.
4/3/79	Benjamin V. Boikanyo, Compton, California	DEE-3262	Allocation Exception.
4/3/79	Brian E. Bolles, Ellington, Connecticut	DEE-3347	Allocation Relief.
4/3/79	Broach Oil Company, Inc., Bryan, Texas	DEE-3200, DES-3200 and DST-3200.	Allocation Relief, Request for Stay and Temporary Stay.
4/3/79	Burkewitz Gulf, Brattleboro, Vermont	DEE-3359	Allocation Exception.
4/3/79	C & C Garage & Towing, Slatersville, Rhode Island	DEE-3362	Allocation Relief.
4/3/79	C & D Grocery, Oak Grove, Louisiana	DEE-3334 and DES-3334.	Allocation Exception and Request for Stay.
4/3/79	California Car Washes, Ltd., Concord, California	DEE-3374	Allocation Exception.
4/3/79	Clinton-Maple Mini Mart, Fresno, California	DEE-3250 and DES-3250.	Allocation Relief and Request for Stay.
4/3/79	Colonial Texaco, Danbury, Connecticut	DEE-3353	Allocation Relief.
4/3/79	Crystal Flash Petroleum Corp., Indianapolis, Indiana	DEE-3421	Allocation Exception.
4/3/79	Albert R. Davis, Jr., Manchester, New Hampshire	DEE-3360	Allocation Exception.
4/3/79	Dick Wilson's Arco Mini Market, Torrance, California.	DEE-3249 and DES-3249.	Allocation Exception and Request for Stay.
4/3/79	Doug's Exxon, Smithfield, North Carolina	DEE-3386	Allocation Relief.
4/3/79	Duran Oil Company, Trinidad, Colorado	DEE-3316 and DST-3316.	Allocation Exception and Request for Temporary Stay.
4/3/79	Dzambo's Amoco, Danbury, Connecticut	DEE-3364	Allocation Exception.
4/3/79	E & M Shell, Centerreach, New York	DEE-3263	Allocation Exception.
4/3/79	Eagle, Oil Co., Inc., Westminister, Maryland	DEE-3393	Allocation Exception.
4/3/79	Earl's Service Station, Bennington, Vermont	DEE-3355	Allocation Relief.
4/3/79	Joe Emerson, Jonesboro, Arkansas	DEE-3244	Allocation Relief.
4/3/79	Green River Enterprises, Inc., Corona, California	DEE-3379	Allocation Exception.
4/3/79	Grosskopf Oil, Inc., Shawano, Wisconsin	DEE-3373	Allocation Exception.
4/3/79	GW's Exxon, Magnolia, Texas	DEE-3387 and DES-3387.	Allocation Exception and Request for Stay.
4/3/79	Hills Service Center, Houston, Texas	DEE-3266	Allocation Exception.
4/3/79	J. D. Streett & Co., Inc., Maryland Heights, Missouri	DEE-3255, DES-3255 and DST-3255.	Allocation Exception, Request for Temporary Stay and Stay.
4/3/79	Jenkins Gas Company, Inc., Pollocksville, North Carolina.	DEE-3318 and DST-3318.	Allocation Exception and Request for Temporary Stay.
4/3/79	Jim's Standard Service, Milwaukee, Wisconsin	DEE-3313	Allocation Exception.
4/3/79	L. H. Smith Oil Corp., Indianapolis, Indiana	DEE-3375	Allocation Exception.
4/3/79	Frank Lapinski, New Haven, Connecticut	DEE-3365	Allocation Exception.
4/3/79	Livingston-Thebaut Oil Company, Inc., Jacksonville, Florida.	DEE-3376	Allocation Exception.
4/3/79	Log Cabin Grocery, Con Can, Texas	DEE-3392	Allocation Exception.
4/3/79	Loveland Gas & Oil, Inc., Loveland, Colorado	DEE-3320 and DST-3320.	Allocation Exception and Request for Temporary Stay.
4/3/79	Main Street Amoco, Westerley, Rhode Island	DEE-3368, DES-3368 and DST-3368.	Allocation Exception, Request for Stay, and Request for Temporary Stay.
4/3/79	Maguire Inc., Framingham, Massachusetts	DEE-3423	Allocation Exception.
4/3/79	Mandarin Landing Exxon, Jacksonville, Florida	DEE-3380	Allocation Exception.
4/3/79	Metro Oil Company, Inc., Oklahoma City, Oklahoma	DEE-3257, DES-3257 and DST-3257.	Allocation Relief, Request for Stay and Temporary Stay.
4/3/79	Mid State Exxon, Lebanon, Tennessee	DEE-3391	Allocation Exception.
4/3/79	Mini-Market Groceries, Los Altos, California	DEE-3248 and DES-3248.	Allocation Exception.
4/3/79	Natick Turnpike Citgo, Inc., Cochituate, Massachusetts.	DEE-3348	Allocation Exception.
4/3/79	Northgate Amoco, Revere, Massachusetts	DEE-3369, DES-3369 and DST-3369.	Allocation Exception, Request for Stay, Request for Temporary Stay.
4/3/79	Orlando & Sons Exxon, Ormond Beach, Florida	DEE-3384	Allocation Relief.
4/3/79	Owen Oil Company, Batesburg, South Carolina	DEE-3252 and DES-3252.	Allocation Exception, Request for Stay.
4/3/79	Pea Soup Anderson, Buellton, California	DEE-3251 and DES-3251.	Allocation Relief, Request for Stay.
4/3/79	Pete's Shell Service, Whittier, California	DEE-3246 and DES-3246.	Allocation Relief, Request for Stay.
4/3/79	Ridgefield Mobil, Ridgefield, Connecticut	DEE-3357	Allocation Exception.
4/3/79	Rinehart Oil, Inc., Ukiah, California	DEE-3321 and DST-3321.	Allocation Relief, Request for Temporary Stay.
4/3/79	Jack B. Ripsteen, San Francisco, California	DEE-3385	Allocation Exception.
4/3/79	River Inn, Big Sur, California	DEE-3371	Allocation Exception.
4/3/79	Rolling Green Service Center, Inc., Andover, Massachusetts.	DEE-3358	Allocation Exception.
4/3/79	Rovero's Amoco, Putnam, Connecticut	DEE-3367	Allocation Exception.
4/3/79	Santa Fe Oil, San Bernardino, California	DEE-3247 and DES-3247.	Allocation Exception, Request for Stay.

Date	Name and location of applicant	Case No.	Type of submission
4/3/79	Scottsboro Chevron, Scottsboro, Alabama	DEE-3336 and DES-3336.	Allocation Exception, Request for Stay.
4/3/79	Sid's Grocery, Pine Prairie, Louisiana	DEE-3383	Allocation Exception.
4/3/79	Reginald M. Smith, Vernon, Connecticut	DEE-3351	Allocation Relief.
4/3/79	South Congress Exxon, West Palm Beach, Florida	DEE-3246 and DES-3246.	Allocation Exception, Request for Stay.
4/3/79	Southgate Oil Company, Inc., Elma, New York	DEE-3264	Allocation Exception.
4/3/79	Steve's Service Station, Bedford, Massachusetts	DEE-3352	Allocation Exception.
4/3/79	Stevenson's Texaco, Inc., Bethel, Connecticut	DEE-3354	Allocation Exception.
4/3/79	Stoughton Mobil Station, Stoughton, Massachusetts	DEE-3359	Allocation Exception.
4/3/79	Sullivan County Oil Company, Liberty, New York	DEE-3602	Allocation Exception.
4/3/79	The Country Store, Hot Springs, North Carolina	DEE-3399 and DST-3399.	Allocation Exception and Request for Temporary Stay.
4/3/79	Youseff Terzian, San Diego, California	DEE-3372	Allocation Exception.
4/3/79	Tom & Jerry's, Grand Blanc, Michigan	DEE-3429	Allocation Exception.
4/3/79	Torrance Car Wash, Torrance, California	DEE-3324 and DST-3324.	Allocation Relief and Request for Temporary Stay.
4/3/79	United Specialties Company, Houston, Texas	DEE-3450	Price Exception (212.73).
4/3/79	V. Bell Oil Company, Pampa, Texas	DEE-3343, DES-3343 and DST-3343.	Allocation Exception, Request for Stay, Request for Temporary Stay.
4/3/79	Walkey's Exxon, Nashua, New Hampshire	DEE-3256, DES-3256 and DST-3256.	Allocation Relief, Relief for Stay and Temporary Stay.
4/3/79	Jeffrey D.Waterhouse, Tolland, Connecticut	DEE-336 5Allocation Exception.	
4/3/79	Webster Oil Company, New Mexico	DEE-3403 and DST-3403.	Allocation Exception and Request for Temporary Stay.
4/3/79	Westchester Shell, Temple City, California	DEE-3254, DES-3254 and DST-3254.	Allocation Relief, Request for Stay and Temporary Stay.
4/3/79	Yosemite Gass & Oil, Denver, Colorado	DEE-3345, DES-3345 and DST-3345.	Allocation Exception, Request for Stay, Request for Temporary Stay.
4/4/79	Arthur W. & Stewart T. Miller, San Diego, California	DEE-3398	Allocation Relief.
4/4/79	Barstow Chevron, Barstow, California	DEE-3412	Allocation Exception.
4/4/79	Bud Wolfe's Arco Mini Market, Redlands, California	DEE-3397	Allocation Exception.
4/4/79	Clark's Service Station, Colorado Springs, Colorado	DEE-3311	Allocation Relief.
4/4/79	Colonial Oil company, Alexandria, Virginia	DST-0052	Request for Temporary Stay.
4/4/79	Colonial Shell Service, Inc., Wallingford, Connecticut	DEE-3259	Allocation Exception.
4/4/79	Continental Fuel Company, Pocatello, Idaho	DEE-3326 and DES-3326.	Allocation Relief, Request for Stay.
4/4/79	Cottam Company, St. George, Utah	DEE-3277	Allocation Exception.
4/4/79	Elton L. Culpepper, Walterboro, South Carolina	DEE-3270	Allocation Exception.
4/4/79	Dick & Hanks Mobil, N. Hollywood, California	DEE-3418	Allocation Exception.
4/4/79	Don Gressman Chevron Service, Santa Monica, California.	DEE-3261	Allocation Exception.
4/4/79	Donald Holland Gulf Station, Osceola, Arkansas	DEE-3401	Allocation Exception.
4/4/79	Eastern Shore Arco, Easton, Maryland	DEE-3317 and DST-3317.	Allocation Exception, Request for Temporary Stay.
4/4/79	Ed Savage Chevron, Sylman, California	DEE-3413	Allocation Exception.
4/4/79	Fifth Wheel Truck Stop, Fresno, California	DEE-3309	Allocation Relief.
4/4/79	Glamborne Oil Company, Inc., Kenner, Louisiana	DEE-3310	Allocation Relief.
4/4/79	Gibson's Exxon, St. Pete, Florida	DEE-3328 and DES-3328.	Allocation Relief, Request for Stay.
4/4/79	Ghost Town Mini Mart, Yermo, California	DEE-3258	Allocation Relief.
4/4/79	Goldenwest Chevron Service, Westminster, California.	DEE-3419	Allocation Exception.
4/4/79	Hamilton Mill—I85 Chevron, Buford, Georgia	DEE-3329 and DES-3329.	Allocation Exception and Request for Stay
4/4/79	Handy's Texaco Station, Albany, New York	DEE-3305	Allocation Exception.
4/4/79	Hillcrest Shell Service, San Diego, California	DEE-3417	Allocation Exception.
4/4/79	Holland Oil Company, Akron, Ohio	DEE-3340, DES-3340 and DST-3340.	Allocation Exception, Request for Stay, Request for Temporary Stay.
4/4/79	Hudson's Shell Service, Fresno, California	DEE-3405, DES-3405 and DST-3405.	Allocation Exception, Request for Stay, Request for Temporary Stay.
4/4/79	J & B General Store, Hermosa, South Dakota	DEE-3331 and DES-3331.	Allocation Exception, and Request for Stay.
4/4/79	J & L Oil Company, Inc., Caledonia, New York	DEE-3267	Allocation Exception.
4/4/79	J.G. Texaco Service Center, Orange, California	DEE-3414	Allocation Exception.
4/4/79	Jake's Service Station, Westerport, Maryland	DEE-3394	Allocation Relief.
4/4/79	James Hill, Inc., Farmerville, Louisiana	DEE-3330 and DES-3330.	Allocation Exception, and Request for Stay.
4/4/79	John & Sonnys Texaco, Bakersfield, California	DEE-3416	Allocation Exception.
4/4/79	Jones & Brown Ent., Inc., Sallisaw, Oklahoma	DEE-3274	Allocation Exception.
4/4/79	David H. Kuykendall, Tulsa, Oklahoma	DEE-3319 and DES-3319.	Allocation Exception and Request for Temporary Stay.
4/4/79	Lacassine Fuel Station, Lacassine, Louisiana	DEE-3260	Allocation Exception.
4/4/79	Lake Camp Ground, Quincy, Florida	DEE-3272	Allocation Exception.
4/4/79	Larry's Sunrise Service, Fort Lauderdale, Florida	DEE-3273	Allocation Exception.
4/4/79	Joseph Middleton, San Diego, California	DEE-3271	Allocation Exception.
4/4/79	Montebello Conoco & Tire, Inc., Denver, Colorado	DEE-3308	Allocation Exception.

Date	Name and location of applicant	Case No.	Type of submission
4/4/79	North Side Service, Alexandria, Virginia	DEE-3341, DES-3341 and DST-3341.	Allocation Relief, Request for Stay and Temporary Stay.
4/4/79	Onyx Corporation, Creve Coeur, Missouri	DEE-3280	Allocation Exception.
4/4/79	P.C.H. Company, Blythe, California	DEE-3409	Allocation Exception.
4/4/79	Parmo's R.R.R. Mobil Service Station, Baytown, Texas.	DEE-3333, DES-3333.	Allocation Exception and Request for Stay.
4/4/79	Roardo, Inc., Washington, D.C.	DEE-3342, DES-3342 and DST-3342.	Allocation Relief, Request for Stay and Temporary Stay.
4/4/79	Roberts Chevron, Decatur, Alabama	DEE-3269	Allocation Exception.
4/4/79	Robin Hartley Service Station, Chula Vista, California.	DEE-3405	Allocation Relief.
4/4/79	Ron Corda's Chevron, Carson City, Nevada	DEE-3411	Allocation Exception.
4/4/79	Royal Petroleum Company, Petaluma, California	DEE-3406	Allocation Exception.
4/4/79	Saffari Mobil Service, Sepulveda, California	DST-0051	Request for Temporary Stay.
4/4/79	Sigmon Oil, Dillon, Montana	DEE-3276	Allocation Exception.
4/4/79	Steve's Standard Service, Wauwatosa, Wisconsin	DEE-3402	Allocation Relief.
4/4/79	Steven's Service Station, Newcastle, Maine	DEE-3397	Allocation Exception.
4/4/79	Robert E. Taylor, Camarillo, California	DEE-3415	Allocation Exception.
4/4/79	Terry Hedrick Chevron, Tustin, California	DEE-3410	Allocation Exception.
4/4/79	Volunteer Oil Company, Johnson City, Tennessee	DEE-3265	Allocation Exception.
4/4/79	Weeks & Frazier Oil Co., Inc., Hohenwald, Tennessee.	DEE-3268	Allocation Exception.
4/4/79	Winchester-Payne Chevron, San Jose, California	DEE-3407	Allocation Relief.
4/4/79	Ella M. Windon, Los Angeles, California	DEE-3337 and DES-3337.	Allocation Exception and Request for Stay.
4/5/79	A & E Service, Inc., Cambridge, Maine	DEE-3306	Allocation Exception.
4/5/79	James W. Abston, Monticello, Arkansas	DEE-3025 and DES-3025.	Allocation Exception and Request for Stay.
4/5/79	Alton-17 Shell, Miami Beach, Florida	DEE-3435	Allocation Exception.
4/5/79	Apollo Oil Company, Mountain View, California	DEE-3338, DES-3338 and DST-3338.	Allocation Exception, Request for Stay, Request for Temporary Stay.
4/5/79	James C. Barger and Jeffrey C. Shirey, Parker, Pennsylvania.	DEE-3282	Allocation Exception.
4/5/79	Barth Brothers Service, Inc., Hebron, Kentucky	DEE-3292	Allocation Exception.
4/5/79	Bayou Oil Company, Inc., Bayou La Batre, Louisiana.	DEE-3299	Allocation Exception.
4/5/79	Beck Suppliers, Inc., Fremont, Ohio	DEE-3314 and DST-3314.	Allocation Exception and Request for Temporary Stay.
4/5/79	Bell Oil Company, Bailey, Colorado	DEE-3286	Allocation Exception.
4/5/79	Big Bend Standard, Big Bend, Wisconsin	DEE-3424	Allocation Exception.
4/5/79	Bill's Truck Stop, Linwood, North Carolina	DEE-3400	Allocation Relief.
4/5/79	Bird Road Exxon Service Center, Miami, Florida	DEE-3289	Allocation Exception.
4/5/79	BLT, Inc., Fort Worth, Texas	DEE-3430, DES-3430 and DST-3430.	Allocation Exception.
4/5/79	Caldwells Service, Westminster, California	DEE-3291	Allocation Exception.
4/5/79	Cantro Petroleum Corporation, East Hartford, Connecticut.	DEE-3315 and DST-3315.	Allocation Exception and Request for Temporary Stay.
4/5/79	E. R. Carothers, Granite, Oklahoma	DEE-3433	Allocation Exception.
4/5/79	Center 66 Service, Columbus, Nebraska	DEE-3281	Allocation Exception.
4/5/79	Clemmons Exxon, Clemmons, North Carolina	DEE-3432	Allocation Exception.
4/5/79	Dunaway, McCarthy & Dye, Washington, D.C.	DFA-0357	Appeal of Information Request Denial.
4/5/79	Ed McSahffrey's Servicenter, Pompano Beach, Florida.	DEE-3295	Allocation Exception.
4/5/79	Edon Service Corp., Mill Valley, California	DEE-3327 and DES-3327.	Allocation Exception and Request for Stay.
4/5/79	Fast Chek Store #5, High Point, North Carolina	DEE-3300	Allocation Exception.
4/5/79	Fast Chek Store #7, High Point, North Carolina	DEE-3301	Allocation Exception.
4/5/79	Fortmeyers, Inc., Fort Wayne, Indiana	DEE-3275	Allocation Exception.
4/5/79	G & M Truck Plaza, St. Augustine, Florida	DEE-3293	Allocation Exception.
4/5/79	Grab Bag Food Store, Greensboro, North Carolina	DEE-3202	Allocation Exception.
4/5/79	Hanover, Shell, Hanover, New Hampshire	DEE-3304	Allocation Relief.
4/5/79	Herman L. Miller Investments Incorporated, Austin, Texas.	DEE-3339, DES-3339 and DST-3339.	Allocation Exception, Request for Stay and Request for Temporary Stay.

Date	Name and location of applicant	Case No.	Type of submission
4/5/79	Hoyt Oil Company, Pontiac, Michigan	DEE-3434	Allocation Exception.
4/5/79	Jakobsen, Nels, San Luis Rey, California	DEE-3284	Allocation Exception.
4/5/79	John Cheretis Shell, Miami, Florida	DEE-3297	Allocation Exception.
4/5/79	Kentwood Exxon, Kentwood, Louisiana	DEE-3332 and DES-3332.	Allocation Relief and Request for Stay.
4/5/79	McDonald Lumber Company, Inc., Green Bay, Wisconsin.	DEE-3279	Allocation Exception.
4/5/79	McDonald Oil Company, Chamberlain, South Dakota.	DEE-3278	Allocation Exception.
4/5/79	Mobile 76 Truck Plaza, Inc., Grand Bay, Alabama	DEE-3294	Allocation Exception.
4/5/79	Billy R. Morris, Leeds, Alabama	DEE-3286	Allocation Exception.
4/5/79	North River Gulf Service, Atlanta, Georgia	DEE-3396	Allocation Relief.
4/5/79	Nova Road Motor Sales, Port Orange, Florida	DEE-3298	Allocation Exception.
4/5/79	R. J. Phillips, San Pablo, California	DEE-3431	Allocation Exception.
4/5/79	J. K. Pierce, La Marque, Texas	DEE-3288	Allocation Exception.
4/5/79	Plantation Shell Service, Plantation, Florida	DEE-3283	Allocation Exception.
4/5/79	R-J Enterprises, Inc., Scottsdale, Arizona	DEE-3425	Allocation Exception.
4/5/79	Slattery Standard Service, Elm Grove, Wisconsin	DEE-3322 and DST-3322.	Allocation Exception and Request for Temporary Stay.
4/5/79	Smoke House Sunoco, Thomasville, North Carolina	DEE-3303	Allocation Relief.
4/5/79	Target Stores, Minneapolis, Minnesota	DEE-3323 and DST-3323.	Allocation Exception and Request for Temporary Stay.
4/5/79	Walters North Bellmore, North Bellmore, New York.	DEE-3344, DES-3344 and DST-3344.	Allocation Relief.
4/5/79	Raypak, Westlake Village, California	DEE-3439	Exception Test Procedures.
4/5/79	Robinson's Texaco, Rockville, Maryland	DEE-3290	Allocation Exception.
4/5/79	Rowell's Standard Service, Milwaukee, Wisconsin	DEE-3287	Allocation Exception.
4/5/79	S & S Petroleum Sales, Plano, Texas	DEE-3335 and DES-3335.	Allocation Exception and Request for Stay.
4/5/79	Siemens Petroleum Products, Inc., Kirkwood, Missouri.	DEE-3285	Allocation Exception.
4/5/79	Young's 76 Service, Flint, Michigan	DEE-3404	Allocation Exception.
3/30/79	Ashland Oil, Inc., Washington, D.C.	DEA-0361	Appeal of December 1978 Entitlements Notice. If granted: The December 1978 Entitlements Notice would be amended with respect to Ashland Oil, Inc.'s entitlement purchase obligations.
3/30/79	Edgington Oil Company, Inc., Washington, D.C.	DXE-3442	Exception to Entitlements Program. If granted: Edgington Oil Company, Inc. would receive an exception from the provisions of 10 CFR 211.67 regarding its entitlements purchase obligation.
3/30/79	Energy Cooperatives, Inc., Washington, D.C.	DEA-0360	Appeal of December 1978 Entitlement Notice. If granted: The December 1978 Entitlements Notice would be amended with respect to Energy Cooperatives, Inc.'s entitlement purchase obligations.
3/30/79	Southland Oil Company/VGS Corporation	DEE-3449	Exception to Entitlements Program. If granted: Southland Oil Company/VGS Corporation would be granted an exception to the provision of 10 CFR 211.67 with respect to its entitlement purchase obligations.
4/2/79	Dougherty Group, Austin, Texas	DEE-3455	Price Exception (Section 212.165(b)(2)(V). If granted: The Dougherty Group that has non-operating ownership interests in the Normanna Gas Plant would be permitted to include legal fees in the cost category "General Administrative Costs" in calculating the passthrough of increased processing in the pricing of natural gas liquids and NGL products produced and sold at that plant even though such legal services are provided by one of the non-operating owners of the gas plant and also is one of the partners of the law firm involved.
4/2/79	Federal Information Tools, Alexandria, Virginia	DFA-0359	Appeal of Information Request Denial. If granted: The DOE's March 13, 1979, Information Request Denial would be rescinded and Federal Information Tools would be permitted access to certain DOE data.
4/2/79	Lunday-Thagard Oil Company, South Gate, California.	DXE-3717	Allocation Exception (211.67). If granted: Lunday-Thagard Oil Company would receive an exception to the provisions of 10 CFR 211.67, with respect to its entitlement purchase obligations.
4/2/79	Mills Bennett Estate, Houston, Texas	DXE-3443	Extension of Relief granted in *Mills Bennett Estate*, 2 DOE Par. (January 5, 1979). If granted: Mills Bennett Estate would be permitted to continue selling crude oil produced from the Wilburn B and J. F. Barclay Leases, located in Brooks County, Texas, at upper tier ceiling prices.
4/2/79	Phillips Puerto Rico Core, Puerto Rico	DPI-0036	Exception to the Base Fee Requirements. If granted: Phillips Puerto Rico Core, Inc. would receive an exception to the provisions of 10 CFR 213.35 with respect to base fee requirements.
4/2/79	S&W Engine Supply Company, Oklahoma City, Oklahoma.	DEE-3444	Extension of Relief granted in *S&W Engine Supply Company*, 2 DOE Par. (October 12, 1978). If granted: S&W Engine Supply Company would be permitted to continue selling crude oil produced from the Baker Townsend Lease, located in Oklahoma County, Oklahoma, at upper tier ceiling prices.
4/2/79	Young Refining Corporation, Austin, Texas	DEE-3445	Exception to the Entitlements Program. If granted: Young Refining Corporation would receive an exception to the provisions of 10 CFR 211.67, with respect to its entitlement purchase obligations.
4/3/79	Mobil Oil Corporation, AMF O'Hara, Illinois	DES-0198	Request for Stay. If granted: The Assignment Order issued March 15, 1979, by Region VII to Mobil Oil Corp. would be stayed pending a final determination on its Appeal.
4/3/79	Petroleum Management, Inc., Jackson, Mississippi	DRS-0197	Request for Stay. If granted: A stay of a Remedial Order issued to Petroleum Management Inc. would be granted pending Appeal of the Order (Case No. DRA-0080).
4/4/79	Cities Service Company, Tulsa, Oklahoma	DEE-3438	Exception to the Reporting Requirements. If granted: Cities Service Company would not be required to file Form EIA-28.
4/4/79	Koch Industries, Inc., St. Paul, Minnesota	DEA-0358 and DES-0358.	Request for Stay and Appeal of Order Redirecting Supply. If granted: The March 20, 1979, Decision and Order issued by the Economic Regulatory Administration would be rescinded and Koch Industries, Inc. would not be required to supply Midland Cooperatives, Inc. A Stay would be granted pending a final determination.

Date	Name and location of applicant	Case No.	Type of submission
4/3/79	Atlantic Richfield Company, Cook Inlet, Alaska	DEE-3446	Price Exception (212.73). If granted: Atlantic Richfield Company would be permitted to sell the crude oil produced from the Platform Spark, located in Cook Inlet, Alaska, at upper tier ceiling prices.
4/3/79	Gulf Oil Corporation, Houston, Texas	DEE-3447	Price Exception (212.73). If granted: Gulf Oil Corporation would be permitted to sell the crude oil produced from the J. F. Hansen Well No. 1, located in Brazoria County, Texas, at upper tier ceiling prices.
4/3/79	Kern County Refinery, Inc., Cerritos, California	DXE-3448	Exception to the Entitlements Program. If granted: Kern County Refinery, Inc. would receive an exception to the provision of 10 CFR 211.67 with respect to its entitlement purchase obligations for the period of June 1, 1979 through November 30, 1979.
4/3/79	Martin Industries, Inc., Florence, Alabama	DEE-3440	Exception to Test Procedures. If granted: Martin Industries, Inc. would receive an exception to the provisions of 10 CFR 405, Section 430.33(n)(1) regarding test procedures of a covered product.
4/4/79	Locke Stove Company, Kansas City, Missouri	DEE-3441	Exception to Test Procedures. If granted: Locke Stove Company would receive an exception to the provisions of 10 CFR 405, Section 430.33(n)(1) regarding test procedures of a covered product.
4/5/79	Kinetic Research, Inc., Madison, Wisconsin	DFA-0363	Appeal of an Information Request Denial. If granted: The DOE's March 9, 1979, Information Request Denial would be rescinded and Kinetic Research, Inc. would receive access to certain DOE documents.
4/5/79	Koch Industries, Inc., Washington, D.C.	DMR-0046	Request for Modification. If granted: The DOE's March 28, 1979, Decision and Order issued to Town & Country Food Markets, Inc. (Case No. DST-2863) would be modified.
4/5/79	Lunday-Thagard Oil Co., Washington, D.C.	DED-0021	Motion for Discovery. If granted: Discovery would be granted with respect to the Interlocutory Order issued on March 13, 1979, to Lunday-Thagard Oil Company.
4/6/79	Tosco Corp., Washington, D.C.	DEX-0149	Supplement Order. If granted: The DOE would review the entitlements exception relief granted to Tosco Corporation during its fiscal year ending December 31, 1979, in order to determine whether the level of relief accorded to the firm was appropriate.

Notices of Objection Received

[Week of Mar. 30, 1979, to Apr. 6, 1979]

Date	Name and Location of Applicant	Case No.
4/3/79	Ely Crude Oil Company, Ely, Nevada.	DXE-0892
4/14/79	Ingram Corporation, Washington, D.C.	DPI-0005
4/4/79	Heath Oil & Distributing Co., Inc., Mena, Arkansas.	DEE-2337

Proposed Remedial Orders—Notices of Objection Received

[Week of Mar. 30, 1979, to Apr. 6, 1979]

Date	Name and Location of Applicant	Case No.
4/5/79	Earl D. Walt, New Orleans, Louisiana.	DRO-0188

[FR Doc. 79-17457 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders by the Office of Hearings and Appeals; March 19 Through March 23, 1979

Notice is hereby given that during the period March 19 through March 23, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice (June 6, 1979) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

May 31, 1979.

Action Gas Company, Sullivan, Indiana; DEE-2260, motor gasoline

The Action Gas Company (Action) filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Action's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 19, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Aminoil USA, Inc., Houston, Texas; DXE-2114, crude oil

Aminoil USA, Inc. filed an Application for Exception from the provisions of 10 CFR 212.73. The exception request, if granted, would permit the firm to continue to sell certain quantities of the crude oil produced from the California State Lease 392, Lower Main Zone, at upper tier ceiling prices. On March 20, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Beacon Oil Company, Hanford, California; DEE-2141, crude oil

On February 1, 1979, the Beacon Oil Company (Beacon) filed an application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) which, if granted, would relieve the firm of its obligations to purchase entitlements during the period March through August 1979 to account for its receipts of deemed old oil and crude oil runs to stills during the period January through June 1979. On March 19, 1979, the Department of Energy issued a Proposed Decision and Order to Beacon which denied the firm's request.

Bruder's Exxon, Baltimore, Maryland; DEE-2448, DES-2448, motor gasoline

Bruder's Exxon (Bruder) filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Bruder to receive an

increase in its revised base period use of motor gasoline as determined pursuant to the Standby Petroleum Allocation Program. On March 23, 1979, the DOE issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted in part.

C. M. Spiegel Oil Company, St. Louis, Missouri; DEE-2308, motor gasoline

The C. M. Spiegel Oil Company filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in the firm's base period allocation of motor gasoline for the months of March, April, and May of 1979. On March 23, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Canal and Claiborne Rentals, New Orleans, Lousiana; DEE-2181, motor gasoline

Canal and Claiborne Rentals filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Canal's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 23, 1979, the DOE issued a Proposed Decision and Order which determined that the exception be granted.

Central City Shell, Ferguson, Missouri; DEE-2281, motor gasoline

Central City Shell filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Central City's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 21, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Charter Oil Company, Jacksonville, Florida; DXE-2108, crude oil

Charter Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would relieve Charter of its obligation to purchase entitlements pursuant to the provisions of 10 CFR 211.67 On March 19, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request should be granted in part.

City of Long Beach, Long Beach, California; DEE-1951, crude oil

The City of Long Beach filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm requested that it be permitted to sell certain portions of the crude oil produced from the Upper Terminal Reservoir at upper tier ceiling prices to enable the firm to realize an adequate rate of return on a proposed investment to produce additional quantities of crude oil at the Unit. On March 19, 1979, the DOE issued a Proposed Decision and Order which determined that the Long Beach request be denied.

Dalworth Oil Co., Inc., St. Augustine, Texas; DEE-2435, motor gasoline

Dalworth Oil Company, Inc. (Dalworth) filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Dalworth to receive an increase in its revised base period use of motor gasoline as determined pursuant to the Standby Petroleum Allocation Program. On March 23, 1979, the DOE issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted in part.

DeLozier Chevron, Decatur, Georgia; DEE-2300, motor gasoline

DeLozier Chevron filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in DeLozier's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 19, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Energy Cooperative, Inc., Long Grove, Illinois; DPI-0026, crude oil

Energy Cooperative, Inc. filed an Application for Exception from the provisions of 10 CFR 213.35(c). The exception request, if granted, would permit the firm to import 6,975,000 barrels of crude oil into Districts I through V on a fee-exempt basis during March and April, 1979. On March 19, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be granted.

Handeyside Oil Corporation, Elcho, Wisconsin; DEE-2380, motor gasoline

Handeyside Oil Corporation filed an Application for Exception in which it requested an increase in its base period allocation of motor gasoline for the months of March, April, and May 1979. On March 23, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request should be granted in part and that an allocation of 197,140 gallons of motor gasoline per month should be established for the months of March, April, and May 1979.

Harrison Oil and Gas, Los Angeles, California; DEE-2548, motor gasoline

Harrison Oil and Gas filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Harrison's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 21, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Heath Oil and Distributing Co., Mena, Arkansas; DEE-2337, motor gasoline

Heath Oil and Distributing Co. (Heath) filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Heath's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 24. 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Home-Stake Production Company, Tulsa, Oklahoma; DEE-1003, crude oil

The Home-Stake Production Company (Home-Stake) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell a portion of the crude oil produced from each of two separate projects at prices which are in excess of the lower tier ceiling price. According to the Home-Stake submission, in the absence of exception relief the firm would not have sufficient economic incentive to undertake the capital investment which is necessary to continue its crude oil operations at the two projects. On March 23, 1979, the DOE issued a Proposed Decision and Order in which it determined that the exception request be granted.

Ingram Corporation, Washington, D.C., DPI-0005, crude oil

Ingram Corporation filed an Application for Exception from the provisions of 10 CFR, Part 213. If Ingram's exception request were granted, the DOE would refund to the firm $110,043.84 in license fees which it paid on imports of crude oil during 1977 On March 23, 1979, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request had merit, but that since Ingram had previously been refunded excess sums, the firm would be required to return to the U.S. Treasury a net amount of $44,314.38.

J. Austin Oil Company, Flint, Michigan; DEE-2255, motor gasoline

J. Austin Oil Company filed an Application for Exception in which it requested an increase in it base period allocation of motor gasoline for the months of March, April, and May 1979. On March 23, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request should be granted in part and that an allocation of 2,959,026 gallons of motor gasoline should be established for Austin for the months of March and April 1979.

James Tidwell Chevron, Nipomo, California; DEE-2398, motor gasoline

James Tidwell Chevron filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Tidwell's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 19, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Ken Warbrick Chevron, Corona, California; DEE-2249, motor gasoline

Ken Warbrick Chevron filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in the firm's base period allocation of motor gasoline for the months of March, April and May 1979. On March 19, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Kettle-Moraine Standard, Delafield Wisconsin; DEE-2412, motor gasoline

Kettle-Moraine Standard (KMS) filed an Application for Exception from the provisions of the Standby Petroleum Product Allocation Regulations which the Economic Regulatory Administration Activated on February 22, 1979. If the Application were granted, additional motor gasoline would be allocated to KMS for the months of March, April, and May 1979. On March 22, 1979, the DOE issued a Proposed Decision and Order in which it determined that the exception request should be granted.

Leo Anger, Inc., Victoria Texas; DEE-2326, motor gasoline

Leo Anger, Inc. (Anger) filed an Application for Exception from the provisions of the Standby Petroleum Product Allocation Regulations which the Economic Regulatory Administration Activated on February 22, 1979. If the Application were granted, additional motor gasoline would be allocated to Anger for the months of March, April, and May 1979. On March 23, 1979, the DOE issued a Proposed Decision and Order in which it determined that the exception request should be granted.

Little America Refining Company, Washington, D.C.; DXE-2110, crude oil

Little America Refining Company (LARCO) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The Exception if granted, would relieve LARCO of its obligations to purchase entitlements during the period March through August 1979 to account for the firm's crude oil receipts and runs to stills during the period January through June 1979. On March 19, 1979, the DOE issued a Proposed Decision and Order which determined that LARCO's monthly obligations to purchase entitlements during the period March through August 1979 should be reduced by the following amounts:

Entitlement notice month	Amount of exception relief
March 1979	$1,113,636
April	1,002,313
May	890,989
June	779,532
July	668,209
August	556,885

Lloyd R. Crais Oil Company, New Orleans Louisiana; DEE-2478, motor gasoline

Lloyd R. Crais Oil Company filed an Application for Exception from the provisions of the Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Crais' base period allocation of motor gasoline for the months of March, April, and May 1979. On March 23, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

M & B Oil Company, Monmouth, Illinois; DEE-2297, motor gasoline

M & B Oil Company filed an Application for Exception from the provisions of the Standby Regulation Activation Order No. 1. The exception request, if granted, would permit M & B to establish the base period volumes of motor gasoline of a new retail outlet that entered business after the new base period. On March 21, 1979, the DOE issued a Proposed Decision and Order which determined that regulatory remedies were available to M & B for obtaining the necessary assignment. The exception request was therefore dismissed without prejudice.

M & G Food Center, Eden, North Carolina DEE-2595

M & G Food Center (M&G) filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in M&G's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 23, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

River Oil Company, Marietta, Ohio; DEE-2335, motor gasoline

The River Oil Company filed an Application for Exception from the provisions of the Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in River's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 23, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Riverdale Chevron, Riverdale, Georgia; DEE-2285, motor gasoline

Riverdale Chevron filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Riverdale's base period allocation of motor gasoline for the months of March, April and May 1979. On March 20, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Sabo Oil Company, Topeka, Kansas; DEE-2467

The Sabo Oil Company (Sabo) filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Sabo's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 19, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Steve Paschall's Texaco, Lubbock, Texas; DEE-2395, motor gasoline

Steve Paschall's Texaco filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Paschall's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 23, 1979, the DOE issued a Proposed Decision and order which determined that the exception request be granted.

Sunset 66, Inc., Miami, Florida; DEE-2351, motor gasoline

Sunset 66, Inc., (Sunset) filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if granted, would result in an increase in Sunset's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 22, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Terry Exxon, Holly Hill, Florida; DEE-2349, motor gasoline

Terry Exxon filed an Application for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception request, if ganted, would result in an increase in Terry's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 20, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Texaco, Inc., Denver, Colorado; DEE-2170, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR 212.73 which, if granted, would permit the firm to sell a percentage of the crude oil produced from the Semlek "C" lease located in Crook County, Wyoming at upper tier ceiling prices. On March 19, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Wylain, Inc., Michigan City, Indiana; DEE-2129, other

Wylain, Inc. filed an Application for Exception from the provisions of 10 CFR Part 430, Appendix N. The exception request, if granted, would permit Wylain to use alternative methods other than those set forth in the test procedures of Appendix N in evaluating the energy efficiency of a type of furnace which it produces. On March 23, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

[FR Doc. 79-17459 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders by the Office of Hearings and Appeals; March 12 Through March 16, 1979

Notice is hereby given that during the period March 12 through March 16, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of a Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For

purposes of the new procedures, the date of service of notice of issuance of a Proposed Decision and Order shall be deemed to be the date of publication of this Notice (June 6, 1979), or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decision and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

May 30, 1979.

Agricultural Products Industrialization Committee of the State of Nebraska, Lincoln, Nebraska; DEE-2238, gasohol

The Agricultural Products Industrialization Committee of the State of Nebraska filed and Application for Exception from the provisions of 10 CFR, Part 212. The exception request, if granted, would provide relief from the pricing regulations for sellers of gasohol in the State of Nebraska. In addition, sellers of gasohol would not be required to post octane ratings on their pumps. On March 12, 1979, the DOE issued a Proposed Decision and Order in which it determined that the request for price relief should be dismissed and the request for relief from octane posting requirements should be granted.

Allied Chemical Corporation, Morristown, New Jersey; DEE-1470, hydrocarbons

Allied Chemical Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart K. The exception, if granted, would permit Allied to charge prices for hydrocarbon aerosol propellants in excess of the maximum permissible prices calculated in accordance with the provisions of Subpart K. On March 13, 1979, the DOE issued a Proposed Decision and Order which determined that the exception should be granted in part.

L. W. Babcock, Bakersfield, California; DXE-2137, Crude oil

L. W. Babcock filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the applicant to continue to sell a certain portion of the crude oil that it produces from the Union Avenue Field for the benefit of the working interest owners at upper tier ceiling prices. On March 13, 1979, The DOE issued a Proposed Decision and Order in which it tentatively determined that an extension of exception relief should be granted with respect to Babcock's Union Avenue Field.

Damson Oil Corporation; Houston, Texas; DXE-2204, crude oil

Damson Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the applicant to continue to sell a certain portion of the crude oil that it produces from the Venice Beach Lease for the benefit of the working interest owners at upper tier ceiling prices. On March 16, 1979, the DOE issued a Proposed Decision and Order in which it tentatively determined that an extension of exception relief should be granted with respect to Damson's Venice Beach Lease.

The Duncan Oil Company; Xenia, Ohio; DEE-2259, motor gasoline

The Duncan Oil Company filed an Application for Exception in which it requested an increase in its base period allocation of motor gasoline for the months of March, April, and May 1979. On March 15, 1979, the Department of Energy issued a Proposed Decision and Order in which it determined that the exception request should be granted.

El Paso Natural Gas Company, El Paso, Texas; DEE-1362, natural gas liquids

The El Paso Natural Gas Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart K, requesting permission to allocate directly to the natural gas liquid products it sells to the Enterprise Products Company the increased transportation costs that would be incurred if El Paso redirects NGLs from New Mexico to Texas. On March 13, 1979, the DOE issued a Proposed Decision and Order in which it determined that the El Paso exception request should be granted.

Ely Crude Oil Company, Ely, Nevada; DXE-0892, crude oil

Ely Crude Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67 which, if granted, would remove the entitlement obligation that would ordinarily attach to the crude oil produced by Ely when purchased by a refiner. In a Proposed Decision and Order issued on March 15, 1979, the DOE granted Ely's request in part.

Energy Development of California, Inc., Beverly Hills, California; DXE-1310, crude oil

Energy Development of California, Inc., filed an Application for Exception from the provisions of 10 CFR 212.73 and 212.77. The exception request, if granted would permit the firm to retain revenues it received as a result of selling crude oil produced from the Montalvo Venture at prices that exceeded applicable ceiling prices. In addition, the firm would be granted exception relief that would permit it to sell future crude oil production from that property at prices above the ceiling prices. On March 13, 1979, the DOE issued a Proposed Decision and Order in which it determined that the exception request should be granted in part.

Monsanto Company, Houston, Texas; DXE-2122, DXE-2123, crude oil

Monsanto Company filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell at upper tier ceiling prices 100 percent of the crude oil that it produces from the Milo No. 1 Well and a portion of the crude oil that it produces from the State 16-1 Well for the benefit of the working interest owners. On March 13, 1979, the DOE isued a Proposed Decision and Order in which it tentatively determined that an extension of exception relief should be granted with respect to Monsanto's Milo No. 1 and State 16-1 Wells.

Pro Oil, Inc., Ogallala, Nebraska; DEE-2279, motor gasoline

Pro Oil, Inc. filed an Application for Exception from the provisions of Standby Regulations Activation Order No. 1. The exception request, if granted, would result in an increase in the firm's base period allocation of motor gasoline for the months of March, April, and May 1979. On March 10, 1979, the DOE issued a Proposed Decision and Order in which it determined that the exception request should be granted.

Texaco, Inc., Denver, Colorado; DEE-1397, crude oil

Texaco, Inc. filed a submission which the DOE treated as an Application for Exception. The request, if granted, would permit Texaco to recertify 47,260.43 barrels of old crude oil from the Aneth Unit in San Juan County, Utah as new crude oil in order to partially compensate Texaco for a shutdown of that Unit for 16 days, which, according to Texaco, was requested by the United States Geological Survey. On March 6, 1979, the DOE issued a Proposed Decision and Order in which it determined that the exception request should be granted.

[FR Doc. 79-17460 Filed 6-5-79; 8:45 am]

BILLING CODE 6450-01-M

Objection Filed With the Office of Hearings and Appeals; Week of April 23 Through April 27, 1979

Notice is hereby given that during the week of April 23 through April 27, 1979 the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before June 26, 1979, any person who wishes to participate in the proceedings which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate, pursuant to 10 CFR 205.194 (44 Fed. Reg. 7926, February 7, 1979). On or before July 6, 1979, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in these proceedings, and will prepare official service lists which it will mail to all persons who filed request to participate. Persons may also be placed on official service lists as nonparticipants for good cause shown. All requests regarding these proceedings shall be filed with the Office of Hearings and Appeals, Department of Energy, Wahington, D.C., 20461.

Issued in Washington, D.C., May 31, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

L. E. Jones Production Co., Duncan, Oklahoma; DRO-0203, crude oil

On April 23, 1979, L. E. Jones Production Company (Jones), P.O. Box 1185, Duncan, Oklahoma 73533, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest Enforcement District issued on March 27, 1979. In the Proposed Remedial Order, the Enforcement District found that during the time period September 1, 1973 through January 31, 1977, Jones committed pricing violations in the State of Oklahoma in connection with the production and sale of crude oil. According to the Proposed Remedial Order, Jones's violations resulted in overcharges to its customers of $82,507.51.

Brock Exploration Corp., New Orleans, Lousiana; DRO-0210, crude oil

On April 25, 1979, Brock Exploration Corporation (Brock), 202 Pere Marquette Building, New Orleans, Lousiana 70112, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest Enforcement District issued to Brock on March 19, 1979. In the Proposed Remedial Order, the Enforcement District found that during the time period September 1, 1973 through December 31, 1975, Brock committed pricing violations in connection with the production and sale of crude oil in the States of Lousiana and Colorado. According to the Proposed Remedial Order, Brock's violations resulted in overcharges to its customers of $21,787.00.

Triangle J Oil Company, Boulder, Colorado; DRO-0206

On April 26, 1979 the Triangle J Oil Company (Triangle), 580 Mohawk Drive, Boulder, Colorado 80303, filed a Notice of Objection to a Proposed Remedial Order which the DOE Director of Enforcement in Region VIII issued on April 4, 1979. In the Proposed Remedial Order, the Director of Enforcement found that during the period September 1, 1973 through February 29, 1976 Triangle committed pricing violations in connection with the production and sale of crude oil. According to the Proposed Remedial Order, Triangle's violations resulted in overcharges to its customers of $129,911.85.

Brock Exploration Corp., New Orleans, Lousiana, and Freeport Oil Co., Mildland, Texas; DRO-0190, crude oil

On April 25, 1979, Brock Exploration Corporation (Brock), 202 Pere Marquette Building, New Orleans, Louisana 70112, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest Enforcement District issued to Brock and to Freeport Mineral Company, 161 East 42nd Street, New York, New York 10017, predecessor in interest to Freeport Oil Company, P.O. Box 3038, Midland, Texas 79701 on March 19, 1979. In the Proposed Remedial Order, the Enforcement District found that during the time period September 1, 1973 through December 31, 1975, Brock and Freeport Minerals Company committed pricing violations in the State of Lousiana in connection with the production and sale of crude oil. According to the Proposed Remedial Order, Brock and Freeport Minerals Company's violations resulted in overcharges to its customers of $456,444.91.

[FR Doc. 79-17438 Filed 6-5-79; 8:45 am]
BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed for the Week of April 13 Through April 20, 1979

Notice is hereby given that during the week of April 13, 1979 through April 20, 1979, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

May 30, 1979.

List of Cases Received by the Office of Hearings and Appeals

[Week of Apr. 13 Through Apr. 20, 1979]

Date	Name and location of applicant	Case No.	Type of submission
4/13/79	Aminoil U.S.A., Washington, D.C	DEE-4213	Price Exception (Section 212.73). If granted: Aminoil U.S.A. would be permitted to sell the crude oil produced from the California State Lease No. 425, Jones Zone at upper tier ceiling prices.
4/13/79	CIA Petrolera Del Caribe, Inc., San Sebastian, Puerto Rico.	DEE-4214	Exception to change supplier exception from the Entitlements Program. If granted: CIA Petrolera Del Caribe, Inc. would receive an exception from the provisions of 10 CFR, Part 211 which would provide it with access to supplies of motor gasoline at lower prices than those currently paid by the firm.
4/13/79	Cotton Petroleum Corporation, Tulsa, Oklahoma	DRS-0207	Request for Stay. If granted: Cotton Petroleum Corporation would receive a stay of the refund provisions of the Remedial Order issued to the firm on August 26, 1977, pending judicial review.
4/13/79	Environmental Policy Center, Washington, D.C.	DFA-0374	Appeal of an Information Request Denial. If granted: The DOE's March 16, 1979, Information Request Denial would be rescinded and the Environmental Policy Center would receive access to certain data regarding DOE proposals for storage of spent nuclear fuels.
4/13/79	L & M Oil Company, Indianapolis, Indiana	DEE-3732	Price Exception (Section 212.73). If granted: L & M Oil Company would be permitted to continue to sell the crude oil produced from the Allen lease, located in Lewisville County, Arkansas, at upper tier ceiling prices.
4/13/79	Texaco, Inc., White Plains, New York	DFA-0375	Appeal of an Information Request Denial. If granted: The DOE's March 8, 1979, Information Request Denial would be rescinded and Texaco, Inc. would receive access to certain DOE data regarding a Draft Environmental Impact Statement.
4/13/79	W. N. McMurry, Casper, Wyoming	DXE-3730	Extension of relief granted in W. N. McMurry, 1 DOE Par. 81,117 (1978). If granted: W. N. McMurry would be permitted to continue to sell the crude oil produced from the West Sage Creek Lease, located in Park County, Wyoming, at upper tier ceiling prices.
4/13/79	Woody's Truck Stop, Cheyenne, Wyoming	DEN-3823	Interim Order. If granted: The DOE would implement immediately the exception relief set forth in a Proposed Decision and Order to be issued to the firm.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Apr. 13 Through Apr. 20, 1979]

Date	Name and location of applicant	Case No.	Type of submission
4/16/79	Amerada Hess Corporation, New York, New York	DXE-4104	Extension of the relief granted in *Amerada Hess Corp.*, 3 DOE Par. (March 5, 1979) If granted: Amerada Hess Corporation would be permitted to continue to sell the crude oil produced from the Tioga Madison Unit located in Williams, Mountrail and Burke Counties, North Dakota, at upper tier ceiling prices.
4/16/79	Furrh, Moon & Hines, Jackson, Mississippi	DEE-4103	Price Exception (Section 212.73). If granted: James B. Furrh, Robert M. Moon and E. R. Hines would be permitted to consider their leases located in Walthall County, Mississippi as separate properties.
4/16/79	Gas del Oro, Washington, D.C.	DEH-1479	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened with respect to the objections submitted by Coastal States Corporation and Lo-Vaca Gathering Company with regard to the Proposed Decision and Order issued to the firms (Case No. DEE-1479).
4/16/79	Office of Special Counsel, Washington, D.C.	DRR-0051	Request for Modification/Rescission. If granted: The Decision and Order issued to Gulf Oil Corporation on April 8, 1977, in Case No. FEA-0925 would be vacated.
4/16/79	Oneida Heater Company, Inc., Oneida, New York	DEE-4101	Exception from appliance energy conservation program test procedures (10 CFR, Part 430). If granted: Oneida Heater Company, Inc. would be granted an exception from the appliance energy conservation program test procedure requirements applicable to vented gas and oil space heaters.
4/17/79	Eldon Walker, Fortuna, California	DEE-4106	Price Exception (Section 212.73). If granted: Eldon Walker would be permitted to sell the crude oil produced from the Hutson 1-A well located in Texas County, Oklahoma, at upper tier ceiling prices.
4/17/79	Exchange Oil & Gas Corporation, New Orleans, Louisiana.	DEE-4105	Exception from the reporting requirements. If granted: Exchange Oil & Gas Corporation would not be required to file Form EIA 23 until September 1, 1979.
4/17/79	Moran Pipe and Supply Company, Inc., Seminole, Oklahoma.	DXE-4212	Extension of relief granted in *Moran Pipe and Supply Company, Inc.*, 3 DOE Par. (February 27, 1979). If granted: Moran Pipe and Supply Company, Inc. would be permitted to continue to sell the crude oil produced from the Cozar Lease located in Seminole County, Oklahoma, at upper tier ceiling prices.
4/17/79	Ocean Production Company, New Orleans, Louisiana.	DEE-3938	Price Exception (Section 212.73). If granted: Ocean Production Company would be permitted to sell the crude oil produced from certain Outer Continental Shelf leases at upper tier ceiling prices.
4/19/79	Class Exception Proceeding Adjusting April 1979 Base Period Volumes of Motor Gasoline for Retail Sales Outlets and Wholesale Purchaser-Consumers.	DEE-3726, DEN-3726.	Allocation Exception (Standby Activation Order No. 1). If granted: A class exception from the provisions of Standby Activation Order No. 1 would be granted to certain retail sales outlets and wholesale purchaser-consumers of motor grasoline for the month of April 1979.
4/19/79	Equipment, Inc., Lafayette, Louisiana	DXE-4107	Extension of the relief granted in *Equipment, Inc.*, 2 DOE Par. 81,157 (1978). If granted: Equipment, Inc. would be permitted to continue to sell the crude oil produced from the Hayes Wells, located in Arcadia Parish, Louisiana, at upper tier ceiling prices.
4/19/79	Exxon Company, U.S.A., Kansas City, Missouri	DEA-0369	Appeal of Redirection Order. If granted: The ERA Redirection Order issued to Farmland Industries, Inc. on March 20, 1979, would be modified.
4/19/79	Gulf Oil Corporation, Houston, Texas	DXE-4108	Extension of the relief granted in *Gulf Oil Corp.*, 2 DOE Par. 81,165 (1978). If granted: Gulf Oil Corporation would be permitted to continue to sell the crude oil produced from the Sydney A. Smith Lease at upper tier ceiling prices.
4/19/79	Howell Corporation, Houston, Texas	DMR-0052	Request for Modification/Rescission. If granted: The August 21, 1978, Decision and Order which permitted Monsanto Company to offer producers of lease condensate prices in excess of the applicable ceiling prices would be rescinded.
4/19/79	Kenneth L. Tipps, *et al.*, Denver, Colorado	DEE-4109	Price Exception (Section 212.73). If granted: Kenneth L. Tipps, *et al.*, would be permitted to sell the crude oil produced from the Government 2-24 lease in Natrona County, Wyoming, at upper tier ceiling prices.
4/19/79	Marathon Oil Company, Findlay, Ohio	DEA-0371 and DES-0371.	Appeal of ERA Redirection Order. If granted: The Economic Regulatory Administration's Redirection Order of Product issued to Farmland Industries, Inc. on March 23, 1979, would be modified.
4/19/79	Office of Enforcement, Washington, D.C.	DFF-0002	Request for Refund Procedures. If granted: The Office of Hearings and Appeals would implement the Special Refund Procedures pursuant to 10 CFR, Part 205, Subpart V concerning Albert B. Alkek.
4/19/79	Shell Oil Company, Houston, Texas	DEA-0368	Appeal of Guidelines to Activation Order Updating the Motor Gasoline Allocation Base Period. If granted: The Guidelines to the Activation Order Updating the Motor Gasoline Allocation Base Period which were issued on March 19, 1979, would be modified
4/19/79	Sun Oil Company, St. Davids, Pennsylvania	DEA-0370, DES-0370, DST-0370.	Appeal of ERA Redirection Order; Request for Stay; Request for Temporary Stay. If granted: The Economic Regulatory Administration's March 20, 1979, Redirection Order would be modified. A Stay and Temporary Stay would be granted pending a final determination on the Sun Appeal.
4/16/79	Amerada Hess Corporation, New York, New York	DXE-4104	Extension of the relief granted in *Amerada Hess Corp.*, 3 DOE Par. (March 5, 1979). If granted: Amerada Hess Corporation would be permitted to continue to sell the crude oil produced from the Tioga Madison Unit located in Williams, Mountrail and Burke Counties, North Dakota, at upper tier ceiling prices.
4/16/79	Furrh, Moon & Hines, Jackson, Mississippi	DEE-4103	Price Exception (Section 212.73). If granted: James B. Furrh, Robert M. Moon, and E. R. Hines would be permitted to consider their leases located in Walthall County, Mississippi, as separate properties.
4/16/79	Gas del Oro, Washington, D.C.	DEH-1479	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened with respect to the objections submitted by Coastal States Corporation and Lo-Vaca Gathering Company with regard to the Proposed Decision and Order issued to the firms (Case No. DEE-1479).
4/16/79	Office of Special Counsel, Washington, D.C.	DRR-0051	Request for Modification/Rescission. If granted: The Decision and Order issued to Gulf Oil Corporation on April 8, 1977, in Case No. FEA-0925 would be vacated.
4/20/79	Kerr-McGee Corporation, Oklahoma City, Oklahoma.	DEE-4110	Exception from the reporting requirements. If granted: Kerr-McGee Corporation would not be required to file Form EIA-23 by May 29, 1979.
4/20/79	Marathon Oil Company, Findlay, Ohio	DEA-0376	Appeal of ERA Redirection Order. If granted: The Economic Regulatory Administration's Redirection Order of Product which was issued to Land-O-Lakes on March 23, 1979, would be modified.
4/20/79	Stone Oil Corporation, Lafayette, Louisiana	DEE-4111	Exception from the reporting requirements. If granted: Stone Oil Corporation would not be required to file Form EIA-23 until July 7, 1979.

Notices of Objection Received

Date	Name and location of applicant	Case No.
4/13/79	Advanced Sales Corporation, St. Petersburg, Florida	DEE-1778
4/16/79	Publix Oil Company, Washington, D.C	DEE-2254
4/17/79	Fisca Oil Company, Kansas City, Kansas	DEE-2505
4/18/79	Industrial Petroleum Supply, Washington, D.C	DEE-2404
4/17/79	Joshua Widman, Brooklyn, New York	DEE-2562
4/19/79	Emerald Hills Citgo, Hollywood, Florida	DEE-2340
4/13/79	Hardell Corporation, Baltimore, Maryland	DEE-2579
4/13/79	Bob's Parker Mobil, Dallas, Texas	DEO-0200
4/17/79	Arizona Fuels Corporation, Washington, D.C	DEX-0056

Proposed Remedial Orders

4/16/79	Belcher Oil Company, Washington, D.C	DRO-0192
4/17/79	Moran Oil Company, Portland, Oregon	DRO-0202
4/17/79	Stanco Petroleum Company, Kimball, Nebraska	DRO-0201

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline—Week of April 13 Through April 20, 1979

If granted: The following firms would receive an exception from the activation of the standby petroleum product allocation regulations with respect to motor gasoline.

April 13, 1979

"L" Street Car Wash, DEE-3750, California.
A & W Oil & Tire Company, Inc., DEE-3847, Georgia.
Abercrombie Oil Company, DEE-3816, Virginia.
Aggies Exxon, DEE-3804, California.
Anderson's Shell, DEE-3880, California.
Andy's Exxon (Nikitas), DEE-3904, New Hampshire.
Antonia Mannta Realty, DEE-3897, Rhode Island.
Aranco Oil Company, DEE-3849, New Hampshire.
Ashley Dairy Incorporated, DEE-4235, Michigan.
Auburn Mini Mart, DEE-3871, California.
Austin's Acre Exxon, DEE-3926, Vermont.
Avis Rent a Car System, Inc., DEE-3889, Arizona.
B & G Certified Car Care Cent., DEE-3759, Florida.
B & T Automotive Service, DEE-3766, Maryland.
Baker's Exxon Servicenter, DEE-3856, Virginia.
Baldwin Petroleum Company, Inc., DEE-3878, Arkansas.
Benyameen, Nabeeh, DEE-3758, California.
Bill Egan Oil Company, DEE-3809, Illinois.
Black, H. M., DEE-3836, California.
Blodgett Oil Company, DEE-3782, Michigan.
Blue Water Shrimp Company, DEE-3841, Louisiana.
Bob Russell's Texaco, DEE-3835, California.
Boemmels Auto Wash, DEE-3739, Connecticut.
Brian's Auto Service, DEE-3916, Massachusetts.
Broward Fuels Company, DEE-3879, Florida.
Brown Road Exxon, DEE-3747, Arizona.
Bruttaniti, Joseph, DEE-3906, Massachusetts.
Butler, Frederick, DEE-3858, Oklahoma.
Camelback Texaco, DEE-3764, Arizona.
Campbells Shell Service, DEE-3744, Florida.
Cannon's Kerr-McGee, DEE-3817, Oklahoma.
Carlton, Elzie, DEE-3741, Arkansas.
Catalana, Andrew J., DEE-3907, Massachusetts.
Chabot's Service Station, DEE-3914, Massachusetts.
Chapman, Kenneth, DEE-3805, Alabama.
Charles G. Allen Contracting, DEE-3811, Arkansas.
Chouteau Oil Company, DEE-3846, Texas.
Citadel Corporation, DEE-3870, District of Columbia.
Clifford Cox, DEE-3834, Nevada.
Colinsville Motors, DEE-3921, Massachusetts.
Covington Brothers Building, DEE-3840, Georgia.
Cumberland Exxon, DEE-3788, Georgia.
Cunningham Butane Gas Co., DEE-3972, Arkansas.
Dale Small Auto Serv., Inc., DEE-3909, Maine.
Daniel Turco, DEE-3929, Massachusetts.
Daves Exxon Servicenter, DEE-3778, South Carolina.
Del E. Webb Development, DEE-3887, Arizona.
Delmarva Oil, DEE-3810, Maryland.
Denton, Woodrow W., DEE-3867, California.
Draper Fuels Company, DEE-3919, Maine.
E & S Shell Station-Foodmarket, DEE-3775, Florida.
E. E. Hensley & Son, Inc., DEE-3808, Texas.
Eagle Rock Mini-Market, DEE-3753, California.
Economy Oil Company, DEE-3745, Arizona.
Ed Page Exxon, DEE-3802, Texas.
Ed Peter's Conoco, DEE-3830, District of Columbia.
Ernie's General Store, DEE-3763, California.
Estel Noe's Chevron, DEE-3854, Kentucky.
Evans, Cliff, DEE-3792, Alabama.
Exxon (Framingham), DEE-3896, Massachusetts.
Exxon (South Street Pitsfield), DEE-3895, Massachusetts.
Exxon North Elm, DEE-3963, New Hampshire.
Fairfield Woods Serv. Center, DEE-3893, Connecticut.
Fannon Petroleum Services, Inc., DEE-3834, Virginia.
Fiuri, Leo, DEE-3894, Massachusetts.
Fore, Inc., DEE-3771, Oklahoma.
Forest Hill Service, DEE-3776, Illinois.
Frazier Oil Company, DEE-3838, Georgia.
Freedom Car Wash, DEE-3751, California.
Friendly Oil Company, DEE-3885, California.
Frito-Lay, Inc., DEE-3892, California.
Fruitridge Arco Mini-Mart, DEE-3767, California.
Galen F. Wilson Petroleum Co., DEE-3822, Michigan.
Gallion, Dean, DEE-3806, California.
Gary's Exxon, DEE-3956, Colorado.
Gayhawk Oil Company, DEE-4234, Kansas.
Gilman's Mobil, DEE-3920, Massachusetts.
Good Chevrolet, DEE-3749, California.
Granby Texaco Service Center, DEE-3924, Massachusetts.
Green Belt Fuel Del., Inc., DEE-3779, Florida.
H. L. Young Gulf Station, DEE-3855, Texas.
Haigh's Arco Mini-Market, DEE-3863, California.
Hampton Station, DEE-3828, Oregon.
Hank's Arco Mini Shop, DEE-3787, Arizona.
Harold's Kerr-McGee, DEE-3784, Oklahoma.
Harris Exxon Service, DEE-3888, California.
Hart's Quik Stop, DEE-3801, Louisiana.
Hearne Avenue Exxon, DEE-3800, Louisiana.
Henry's Conoco Service, DEE-3795, Colorado.
Highway 99 Truck Auto Stop, DEE-3740, California.
Holiday Foods, Inc, DEE-3752, Washington.
Howard O. Miller, DEE-3815, Idaho.
Hypoluxo Marina, DEE-3746, Florida.
I-10 Shell, DEE-3799, Louisiana.
J & B Automotive, DEE-3783, New York.
James Riveas, DEE-3898, Massachusetts.
Jameson, Jim, DEE-3857, Texas.
Jet Delivery, Inc, DEE-3791, California.
Jim Stone's Exxon Truck Stop, DEE-3960, California.
Jim's Quick Stop, DEE-3812, Texas.
John & Sharon Volk's Arco, DEE-3760, California.
John's Service Center, Inc, DEE-3902, Connecticut.
Johnson, John B., DEE-3905, Massachusetts.
Johnson's Exxon, DEE-3832, Texas.
K & L Oil Company, DEE-3780, Colorado.
Keohane Brothers, Inc., DEE-3964, Massachusetts.

King Petroleum Company, Inc., DEE–3794, South Carolina.
King, Richard, DEE–3819, Oklahoma.
Kirkpatrick Oil Distributors, DEE–3882, Florida.
Klinger's Korner, DEE–3850, Michigan.
Lally's Chevron, DEE–3756, New Jersey.
Lassalle Gas Company, Inc, DEE–3868, Louisiana.
Leddy & Hall Brake & Wheel Ser., DEE–3953, California.
Lehmann Gas & Oil, Inc., DEE–3803, Indiana.
Loi Van Le Exxon Dealer, DEE–3843, California.
Long, Norwood, DEE–3731, North Carolina.
Maginnis Oil Company, Inc., DEE–3786, Louisiana.
Mamic, Inc., DEE–3899, Massachusetts.
Mankins Corner, DEE–3829, Nevada.
Mantia, Paul F., DEE–3908, Massachusetts.
Mason's Automotive Enterprises, DEE–3862, Florida.
Mattson & Stone Service Sta., DEE–3844, New York.
Mays Oil Inc., DEE–3729, Ohio.
McCalister Shell, DEE–3827, California.
McCann's Arco Mini-Market, DEE–3762, California.
Midway Petroleum, Inc., DEE–3851, Maryland.
Midwest Petroleum Company, DEE–3769, Missouri.
Mike's Arco Mini Mart, DEE–3734, California.
Miller Oil Company, DEE–3818, Colorado.
Mills, Herb, DEE–3742, California.
Minor, Randolph, DEE–3790, Texas.
Moon & Sons Gulf, DEE–4300, Vermont.
Moran & Hunt Oil Company, DEE–3773, Georgia.
Morris Adams Oil Company, DEE–3877, Florida.
Moss, Luther W., DEE–3860, Virginia.
Natalizia Service, Inc., DEE–3912, Rhode Island.
Nelson Oil & Tire Co., Inc., DEE–3845, Louisiana.
Norwood Shell Service, DEE–4032, Florida.
P & L Post Exxon, DEE–3918, Connecticut.
Paradise Mobil, DEE–3917, Connecticut.
Parish Mobil, DEE–3765, Tennessee.
Payea Gulf, DEE–4304, Vermont.
Perfection Oil, Inc., DEE–3883, Pennsylvania.
Perkins Oil Company, DEE–3866, Wyoming.
Person Street Gulf, DEE–3859, North Carolina.
Petroleum Sales, Inc., DEE–3839, North Carolina.
Petroleum Service Company, DEE–3472, Pennsylvania.
Phil Engel Chevron, DEE–3757, California.
Quality Oil & Tire Co., Inc., DEE–3881, Louisiana.
R & P Gulf, DEE–3915, Vermont.
Randolph Auto Servicenter, DEE–3925, Massachusetts.
Rawji's Texaco Service, DEE–3891, California.
Raz Service Station, DEE–3768, California.
Ripon Shell Service, DEE–3772, Virginia.
Ron Evans Arco Mini-Market, DEE–3761, California.
Ron's Motoring Service, DEE–3901, Connecticut.
Rosseau, A. J., Jr., DEE–3922, Massachusetts.
Rozema's Standard, DEE–3733, Michigan.
Ruby's Cash & Carry, DEE–3826, North Carolina.
S & S Tire & Auto Skelly, DEE–3755, Oklahoma.
S. L. Lipton Distributors, DEE–3743, Arkansas.
Saasta Chevron, DEE–3890, California.
Saxon Petroleum Company, DEE–3852, Florida.
Schaue, Bruce, DEE–3923, Massachusetts.
Shaw's Gulf, DEE–4316, Vermont.
Sheboygan Oil, Inc., DEE–3781, Wisconsin.
Sherwood Gardens Chevron, DEE–3789, California.
Skaggs Arco, DEE–3874, California.
Ski's Shell Self Serve, DEE–3777, California.
Slidell Oil Company, Inc., DEE–3813, Louisiana.
Smith's Kwik Stop, DEE–3825, Mississippi.
SMO, Inc., DEE–3824, Maryland.
Southern Marketing, Inc., DEE–3831, Louisiana.
Southern Oil Company, DEE–3676, Alabama.
Speer & Logan Conoco, DEE–3797, Colorado.
Spoon's Gulf Station, DEE–4095, Arizona.
Steve's Nova Chevron, DEE–3872, Florida.
Stop-N-Go Food Stores, DEE–3875, Pennsylvania.
Strickland, Bruce, DEE–3957, Louisiana.
Studio City Mini Market, DEE–3793, California.
Suburban Mini Mart, Inc., DEE–3737, Kansas.
Sunrise Texaco Service Center, DEE–3738, Florida.
Sweeney & Sons, Inc., DEE–3785, Pennsylvania.
Swink Oil Company, DEE–3814, Colorado.
T. H. Ray, Inc., DEE–3903, Connecticut.
Telum, Inc., DEE–3869, District of Columbia.
Tiger Petroleum Products, DEE–3848, Connecticut.
Tom L. Estes, DEE–3798, South Carolina.
Tom's Arco, DEE–3971, California.
Town & Country Texaco, DEE–3865, Texas.
Town Park 66, DEE–3736, Florida.
Travelers Petroleum, Inc., DEE–4247, South Carolina.
Tri-Town Auto Service Center, DEE–3842, New Jersey.
Triad Oil, DEE–3873, California.
Tullock's Mini-Market, DEE–3864, New York.
Val J. Dauterive & Son, Inc., DEE–3796, Louisiana.
Van Hoesen, Keith, DEE–3886, California.
Victor A. Saphriloff, DEE–3807, California.
W. Henry Hardy, Inc., DEE–3837, Virginia.
Wadsworth Moving Center, DEE–3821, Colorado.
Walker Oil Company, Inc., DEE–3861, South Carolina.
Walker, Glenn, DEE–3962, Rhode Island.
Walker, Jackie, DEE–3748, Oklahoma.
Walt's Shell Service, DEE–3774, California.
Waters General Merchandise, DEE–3735, Alabama.
Waters Oil Company, DEE–3958, North Carolina.
Watson Oil Company, DEE–4035, Michigan.
Weisman, William, DEE–3770, Michigan.
Westside Gulf, DEE–3833, District of Columbia.
White Oil Distributors, Inc., DEE–3853, Texas.
White's Chevron Service, DEE–3959, Alabama.
Whitie's Alliance Service, DEE–3754, California.
Woburn Street Exxon, DEE–3900, Massachusetts.
Woody's Truck Stop, DEE–3823, Wyoming.
Wright, Robert W., DEE–3965, Massachusetts.
Wyns Service Center, DEE–3913, Massachusetts.

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Allen Goddard Shell Service, DEE–4081, Michigan.
Anastasios Service Station, DEE–4057, Maine.
Avery, J. H., DEE–4092, Texas.
B & D Shell, DEE–4100, Florida.
Besche Oil Company, DEE–4058, Maryland.
Calametti's Service Center, DEE–4055, Alabama.
Chapman Oil, DEE–4073, Wisconsin.
Charlie's Shell Service, DEE–4066, Michigan.
Chuck Bryant Chevron, DEE–4067, California.
Conklin, W. S., DEE–4059, Missouri.
Contreras, Darlene, DEE–4085, California.
Dean Oil Company, Inc., DEE–4072, Virginia.
Desert Horizons, Inc., DEE–4068, California.
Energy Cooperative, Inc., DEE–3950, Illinois.
Franko Companies, DEE–4093, Oregon.
Gates Rubber Company, The, DEE–4075, Colorado.
Hull's Chevron, DEE–4069, California.
J. T. Hill Chevron, DEE–4074, Tennessee.
Jim's State Line Kerr-McGee, DEE–4077, Arkansas.
JSL, Inc., DEE–4063, Maryland.
Justice Gulf Service Station, DEE–4062, Georgia.
Kim's Shell Service, DEE–4064, California.
L & L Standard, DEE–4087, Wisconsin.
Lee's Shell Service, DEE–4065, California.
Memorial Exxon, DEE–4080, District of Columbia.
Mestate Oil Company, DEE–4076, Tennessee.
Park & 66th Exxon, DEE–4056, Florida.
Parker Energy & Petroleum Co., DEE–4071, Virginia.
Pettigrew Oil Company, DEE–4079, Louisiana.
Power Test Corporation, DEE–4088, New York.
Purmax Oil Company, DEE–4089, California.
Sako Arco & Mini Mart, DEE–4070, California.
Smith's Shell Service, DEE–4082, Arizona.
State Law Gate 66, DEE–4090, North Carolina.
Sumter Petroleum Company, DEE–4091, South Carolina.
Swim's Metro Airport Shell, DEE–4061, California.
Twinbrook Citgo Servicenter, DEE–4083, Maryland.
Waggoner Oil Company, Inc., DEE–4053, Kentucky.
Walt's Mobil, DEE–4084, California.
Weakley Gas & Oil Company, Inc., DEE–4060, Tennessee.
Wells Oil Company, DEE–4086, Wisconsin.
West Avenue Exxon, DEE–4054, Georgia.
Wolford Exxon, DEE–4078, Oregon.

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A & M Mobil, DEE–4026, Rhode Island.
Adeeb, Victor G., DEE–3979, California.
Ainsworth, Thomas C., DEE–4128, Nevada.
Al's Mobil, DEE–4197, Michigan.
Allen, Earl W., DEE–3983, Texas.
Allied Oilwell Service, Inc., DEE–4198, California.

Amendt Oil Company, DEE–3699, California.
Arrow Petroleum Company, DEE–3941, Ohio.
Art's Amoco, DEE–3975, Wisconsin.
Arvada East Conoco Service, DEE–4005, Colorado.
Aspen Hill Amoco, DEE–3652, Maryland.
Atanasovski, Drago, DEE–4146, California.
B & T Gulf Station, DEE–3991, Florida.
Bannister Steel, Inc., DEE–4130, California.
Barksdale Exxon, DEE–3981, Arizona.
Barney's Service Station, DEE–4023, Maine.
Barrelli, Amil, DEE–3985, California.
Bastian Exxon, DEE–4048, Virginia.
Bayside Standard, Inc., DEE–4006, Wisconsin.
Bear Creek Steak House, DEE–3936, Louisiana.
Belcher Oil Company, Inc., DEE–3934, Kentucky.
Bi-State Co-op, DEE–4122, Montana.
BJE Car Wash, DEE–4196, District of Columbia.
Bob Crawfords Union 76, DEE–4112, California.
Bongiorno's Texaco, DEE–4015, Connecticut.
Boothbay Garage, DEE–4031, Maine.
Boudoin & Richard, DEE–4182, Louisiana.
Braintree Square Mobil Service, DEE–4022, Massachusetts.
Broderick Tower Shell, DEE–4115, Michigan.
Buchanan Shell, Inc., DEE–4140, California.
C & A Grocery, DEE–4114, Louisiana.
Cardinal Petroleum Co., DEE–4117, North Carolina.
Cave Creek S. Station, DEE–4132, Arizona.
Cedar-J Car Wash & Gas Station, DEE–4145, California.
Champion Automotive, Inc., DEE–4208, Michigan.
Charlie's Mobil, DEE–4027, Vermont.
Chilton, Donal, DEE–4040, Oklahoma.
Clausen, Richard C., DEE–4021, Vermont.
Cleland Oil Company, DEE–4124, Oklahoma.
Cliff's Crestline Service, DEE–3935, California.
Cliff's Sunoco, DEE–4129, Florida.
Clinton Shell, DEE–4004, Maryland.
Colonial Truck Stop, DEE–4018, Connecticut.
Copsey, Inc. (Valley Oil Co.), DEE–4038, Nebraska.
Country Boy Market, DEE–3974, California.
D. S. Buck, Inc., DEE–3930, Virginia.
Dan's Getty Station, DEE–4017, Massachusetts.
Daniel L. Boschert, Inc., DEE–3996, Texas.
Dawson Tire Center, Inc., DEE–3976, Georgia.
Deguelle Oil Company, DEE–4049, Colorado.
Dick's Texaco Service, DEE–4142, California.
Discount Gas, DEE–3993, California.
Discount Texaco, DEE–3995, California.
District Petroleum Products, DEE–4044, Ohio.
Dobar Petroleum Company, DEE–4149, Arizona.
Donahue, John R., DEE–3977, California.
Donahue, John R., DEE–4094, California.
Englefield Oil Company, DEE–4201, Ohio.
Exum Collins Oil Company, DEE–3933, Florida.
Gannett, Arthur, DEE–4028, New Hampshire.
Glenn Dobbs Oil Company, DEE–4211, Oklahoma.
Gordon Oil Company, DEE–3967, Nebraska.
Gov. Francis Mobil, DEE–4007, Rhode Island.
Great Lakes Development Co., DEE–3973, California.
Greensburg Spar Station, DEE–3969, Louisiana.
Griffith, Donald, DEE–4116, Oklahoma.
Grondin's Auto Service, DEE–4029, Maine.
Gulf Oil Corporation, DEE–3944, Texas.
Gulf Oil Corporation, DEE–3945, Texas.
Gulf Oil Corporation, DEE–3946, Texas.
Gulf Oil Corporation, DEE–3947, Texas.
Gulf Oil Corporation, DEE–3948, Texas.
Gulf Oil Corporation, DEE–3949, Texas.
Gurney's Service Station, DEE–4012, Massachusetts.
H. J. Truxillo (Day-N-Nite No. 4), DEE–3959, Louisiana.
H. J. Truxillo (Day-N-Nite No. 3), DEE–3989, Louisiana.
H. J. Truxillo (4-way Gulf), DEE–3997, Louisiana.
H. J. Truxillo, Inc., DEE–4000, Louisiana.
Halon, Fred, DEE–4019, Massachusetts.
Hellard, R. B., DEE–3998, Oklahoma.
Herb's Standard, DEE–3932, Wisconsin.
Hiser's Servicenter, DEE–4030, Massachusetts.
Holiday Oil Company, DEE–4119, Utah.
Hull Oil Company, DEE–4200, District of Columbia.
Hunter, Dave G., DEE–4151, California.
J. P. R. Phillips 66, DEE–4120, Florida.
J. C. Penny's, DEE–4141, Nevada.
Jack's Auto Center, DEE–4138, California.
Jesse L. Rish Gulf Service, DEE–4121, South Carolina.
Jim McMahon Service, DEE–4143, Arizona.
Joe's Car Wash, Inc., DEE–4144, Arizona.
Johnson's Arco Mini Market, DEE–3939, California.
Joseph Longo Parish Texaco, DEE–4014, Connecticut.
Josh's Exxon Service, DEE–3934, California.
Kim's N. Collins Shell, DEE–3982, Texas.
Kohler Oil Company, DEE–4041, Michigan.
Larry's Clovis Exxon, DEE–4139, California.
Lincoln Plaza Texaco, DEE–4135, Arizona.
Mandel, Michael, DEE–4020, Massachusetts.
McCombs Oil Company, Inc., DEE–4123, North Carolina.
McInerney, Larry, DEE–4133, California.
McMahan, John C., DEE–4118, Texas.
Mears Shell Service, DEE–4126, Michigan.
Midway Oil Company, DEE–4152, Wisconsin.
Morton Oil Company, DEE–4193, Tennessee.
Nancy Starr Mobil, DEE–4137, California.
Nash, M. D., DEE–4043, Arkansas.
National Park Village, DEE–4002, Colorado.
New Fairfield Service Center, DEE–4013, Connecticut.
Nichols, Mike, DEE–4001, Oklahoma.
OK Service Sales, Inc., DEE–4136, California.
Page Motors, Inc., DEE–4210, New York.
Parmers Shell Service, DEE–4125, Florida.
Patterson-Campbell Oil Company, DEE–3942, North Carolina.
Pennant Petroleum Company, DEE–3931, Oklahoma.
Petco Oil Company, Inc., DEE–4042, Vermont.
Petrol Plus of Naugatuck, Inc., DEE–4051, Connecticut.
Petroleum Combustion, DEE–4203, New York.
Plantation Park Exxon, DEE–3966, Louisiana.
Plaza Gas, DEE–4016, Massachusetts.
Princess Manor Arco, DEE–3970, California
Ralph's Automotive Center, DEE–3994, Florida.
Ralph's Valley Service, DEE–4148, California.
Riley Sales Co./ARCO Mini-Mart, DEE–4039, New York.
Riverland Auto Bath, Inc., DEE–3937, Michigan.
Robbins Jim, DEE–4134, California.
Rogers, Haskell, DEE–3978, California.
Ron Lower's Texaco, DEE–3999, Arizona.
Ron's ARCO Station, DEE–4034, New Jersey.
Ron's Chevron, DEE–4150, California.
Roxbury Garage, DEE–4025, Connecticut.
S & S Texaco, DEE–4127, Maryland.
Save Way Gas, Inc., DEE–4131, Montana.
Shawnee Petroleum, Inc., DEE–4050, Colorado.
Shorewood Standard, DEE–3986, Wisconsin.
Speidel's Auto & Service Sta., DEE–4037, California.
Stothard Corporation, DEE–3990, New York.
Stout, Richard A., DEE–4147, California.
TAB Transportation, Inc., DEE–4153, California.
Ted Lokey Oil Company, DEE–4045, Texas.
Telzrow Oil Company, DEE–4113; Illinois.
The Mascot (Tarver), DEE–4036, Georgia.
Tom's Exxon, DEE–3960, North Carolina.
Tony's Servicenter, Inc., DEE–3943, Florida.
Travaglino, J. A., DEE–4024, Connecticut.
Twin Oil Company, Inc., DEE–3997, Florida.
Venezia Oil Company, DEE–4008, Connecticut.
Vermont Morgan Corporation, DEE–3940, Vermont.
Walker Chevron Service, DEE–3932, California.
Waterbury Truck Stop, Inc., DEE–4009, Connecticut.
Williams Oil Company, DEE–4003, Louisiana.

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Cleveland, Mickey B., DEE–4157, Virginia.
Community Shell Auto Care, Inc., DEE–3969, Florida.
Fletcher Oil & Refining Co., DEE–4185, California.
Glagola, George, DEE–4155, Maryland.
Oliver's Tire Store, DEE–4248, Georgia.
Ray-Laine Gulf, DEE–4186, Florida.
Reynolds, Robert F., DEE–4156, Virginia.
Uniroyal, Inc., DEE–4158, Connecticut.

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Associated Oil Co., Inc., DEE–4167, South Carolina.
Atlantic Richfield, DEE–4202, California.
Bob Muchas' Chevron, DEE–4161, California.
Breton Shell Service, DEE–4163, Michigan.
Brinson & Blount Company, DEE–4096, Florida.
Carthage Road 66, DEE–4170, North Carolina.
Chelton Mini Market, DEE–4194, Pennsylvania.
Class Exception, DEE–3726, District of Columbia.
Doland, Bill, DEE–4093, California.
Domeco Inc., DEE–4178, North Dakota.
Ellett, Charles F., DEE–4181, California.
Fitchett Inc., DEE–4205, North Carolina.
Fitzgerald Chevron, DEE–4204, Georgia.
Goya, Naresh K., DEE–4187, California.
Henkels ARCO, DEE–4203, California.
Homer Handy Mart, DEE–4171, Louisiana.
Hopson, Rose, DEE–4188, California.
Jack Griffith Petroleum, DEE–4206, Oklahoma.
Jack's Mobil, DEE–4175, Texas.

Jack's Texaco, DEE–4176, Arizona.
Joe Dlarte ARCO, DEE–4172, California.
Jones Exxon, DEE–4159, Tennessee.
Law's Husky, DEE–4189, Utah.
Leon L. Moore Oil Company, DEE–4193, North Carolina.
Loewy, William, DEE–4177, Maryland.
Maguire's Chevron Service, DEE–4207, California.
Marsh Street Union Service, DEE–4169, California.
McGann, Eugene, DEE–4162, Michigan.
Mike's Tire & Super Station, DEE–4191, California.
Miller-Claborn Oil Company, DEE–4183, Arkansas.
Miramar Shell, DEE–4154, Florida.
Orcutt Union Service, DEE–4165, California.
Page, Ben, DEE–4180, California.
Paul's Mobil Products, DEE–4168, California.
Pilkington, Albert E., DEE–4166, California.
Red Carpet Car Wash, DEE–4184, California.
Register Oil Company, DEE–4179, North Carolina.
Roy's Standard Service, DEE–4173, Wisconsin.
Russell Distributing Company, DEE–4174, Arkansas.
Simmons Oil Corporation, DEE–4497, Arizona.
Singer, F. M., DEE–4218, Colorado.
Springdale Shell Service, DEE–4192, California.
Transcontinental Shell, DEE–4190, Louisiana.
TRF Delivery Service, DEE–4164, California.
Ward's Gulf Service, DEE–4160, South Carolina.
Yehl & Stever Service, DEE–4195, Pennsylvania.

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Bland's Gulf, DEE–4238, Georgia.
Bob Wong's Chevron Service, DEE–4246, California.
Brog, James M., DEE–4240, California.
C & M Oil Company Inc., DEE–4244, Florida.
C. B. Shell, DEE–4254, California.
Cameron, J. W., DEE–4220, Florida.
Chittick Oil Co., DEE–4241, Michigan.
Chromalloy, DEE–4245, California.
Cone Oil Co., Inc., DEE–4256, District of Columbia.
Currie Bros. Inc., DEE–4217, California.
D-Co Oil Co., DEE–4223, Illinois.
Deckers Amoco, DEE–4236, Virginia.
Don's Texaco, DEE–4255, Indiana.
Getty Refining & Marketing Co., DEE–2098, Oklahoma.
Hamilton's Grocery, DEE–4239, California.
Hollywood Car Wash, DEE–4227, Florida.
Interstate 40 Fina, DEE–4233, Arkansas.
Jackson, Cyrus, DEE–4232, Oklahoma.
Jim Wafer Oil Company, DEE–4215, Texas.
Kellogg-Moore Oil Co., Inc., DEE–4250, Louisiana.
Kernersville Sunoco, DEE–4222, North Carolina.
Lincoln Oil Company, DEE–3954, Nebraska.
M & S Oil Company, DEE–4242, North Carolina.
McAdams Pipe & Supply Co., DEE–4219, Oklahoma.
Metze Amoco Service Center, DEE–4249, Georgia.
Midwest Oil Co., DEE–4229, South Dakota.
Moore Oil of Florida, DEE–4251, Louisiana.
Moss-Dennis Oil Co., Inc., DEE–4228, Virginia.
Mutual Oil Co., Inc., DEE–4720, Massachusetts.
Orbit Stations, Inc., DEE–4237, California.
Reed, Arba L., DEE–4230, Louisiana.
S & S Oil Co., DEE–4099, Kansas.
Seitz, Norman, DEE–4097, Maryland.
Smith, Mike, DEE–4226, Arkansas.
Tri-Con Petroleum, Inc., DEE–4253, California.
Tunnies Service Station, DEE–4224, North Carolina.
Valley Cab Co., DEE–4231, California.
Walitsch, Robert, DEE–4243, California.
Watts, Ordie A., DEE–4225, Arkansas.
Webb & Sons, DEE–4216, California.
Weeks, Harold R., DEE–4221, Alabama.
Wright Industries, Inc., DEE–4252, District of Columbia.

[FR Doc. 79–17529 Filed 6–5–79; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1241–4]

Motor Vehicle Pollution Control; Public Hearing Regarding Waiver of Diesel NOx Emission Standard

AGENCY: Environmental Protection agency (EPA).

ACTION: Notice of public hearing for waiver of 1981 model year light-duty vehicle emission standard for oxides of nitrogen (NOx) to permit use of diesel engine technology.

SUMMARY: General Motors has requested the Administrator to waive the effective date of the 1981 NOx standard for light-duty diesel engines. Several other auto manufacturers submitted similar requests. This notice announces that EPA will hold a public hearing in Washington, D.C. on June 18, 19, 20 and 21, 1979, to consider the diesel NOx waiver applications.

ADDRESS: All public portions of diesel NOx waiver applications and other relevant information are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, Central Docket Section (A–130), Room 2903B Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, (Docket Number EN–79–3).

FOR FURTHER INFORMATION CONTACT: Ms. Carolyn Blackstone, Mobile Source Enforcement Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755–0944.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) requires that NOx emissions from 1981 and later model year light-duty motor vehicles not exceed 1.0 grams per vehicle mile (gpm). Under section 202(b)(6)(B), the Administrator, after notice and opportunity for public hearing, may waive the 1.0 gpm NOx standard to a level not to exceed 1.5 gpm. He may waive the standard for any class or category of light-duty vehicles and engines manufactured during the four model year period beginning with model 1981 if the Administrator determines that the waiver is necessary to permit the use of diesel engine technology in such class or category of vehicles or engines. A waiver may be granted only if the Administrator also determines that (1) such waiver will not endanger public health; (2) such waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act, and (3) that the technology has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver. Guidelines for submission of such waiver requests previously were published in the Federal Register, 43 FR 30341 (July 14, 1978).

In order for a waiver to be granted, the Administrator must determine that the applicant has provided information sufficient to satisfy each of the waiver criteria set out above. However, the Administrator is not required to make his determination solely on the record of the hearing, and may consider any additional information as well.

On May 2, 1979, General Motors filed with the Administrator an application for a waiver of the NOx standard to a level of 1.5 gpm for all of its light-duty diesels produced in model years 1981 through 1984. Daimler-Benz, Volkswagen of America and Peugeot also have filed applications. Volvo has stated its plans to submit an application by June 12, 1979.

A public hearing on these waiver applications will be held in the U.S. Department of Commerce Auditorium, 14th Street and Constitution Avenue, N.W., Washington, D.C., commencing at 10 a.m. on June 18, 1979.

PROCEDURES: The public hearing is intended to provide an opportunity for interested persons to state there views or arguments, or to provide pertinent information concerning the action requested of the Administrator by the applicant. Any person desiring to make an oral statement at the hearing should file a notice of such intention and ten copies of the proposed testimony and other relevant material in the Central

Docket Section (Docket No. EN-79-3), at the address listed above, not later than June 15, 1979. If feasible, 50 copies of such statement or material for the hearing record should be submitted to the Presiding Officer at the time of the hearing. In addition, any person may submit written questions at any time during the hearing to be propounded to the witnesses by the hearing panel to the extent practicable. Written statements and information may be filed in the public docket until July 2, 1979, for inclusion in the record of the hearing.

Benjamin R. Jackson, Deputy Assistant Administrator for Mobile Source and Noise Enforcement is designated as the Presiding Officer. The Presiding Officer will have the responsibility for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, directing that corroborative material be submitted in writing and, to the extent possible, notifying participants of the time at which they may appear.

Presentations by the participants should be addressed to the consideration set forth in detail by the guidelines for submission of waiver requests published in the Federal Register, 43 FR 30341, July 14, 1978. Participants should be prepared to respond to questions propounded by the Hearing Panel on the following issues:

1. Whether granting such waiver would endanger public health;

2. Whether the waiver would result in significant fuel savings;

3. Whether the technology utilized in the class or category for which a waiver is sought has: (a) the potential for long term air quality benefit, and (b) the potential to meet or exceed the Energy Policy and Conservation Act fuel economy standard at the expiration of the waiver;

4. Whether the waiver is necessary to permit the use of diesel engine technology in those vehicles covered by the application; and

5. The level of NOx emissions, not to exceed 1.5 gpm, which could be met in each of the model years for which a waiver is requested.

A verbatim record of the proceedings will be made and will be available for public inspection at the address listed above. A copy of the transcript may be requested from the reporter during the hearing and will be made at the expense of the person so requesting. Copies of other documents in the public record also may be obtained as provided in 40 CFR Part 2.

Dated: June 4, 1979.

Jeffrey Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 79-17671 Filed 6-5-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 79-271; BC Docket No. 79-102, File No. BR-3989; BC Docket No. 79-103, File No. BRH-3168]

KND Corp. and X.L.S. Broadcasting Corp.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: May 2, 1979.
Released: May 21, 1979.

In re application of KND Corporation for Renewal of License for Radio Station WKND Windsor, Connecticut and X.L.S. Broadcasting Corporation for Renewal of License of Radio Station WXLS-FM Willimantic, Connecticut.

By the Commission: 1. The Commission has before it for consideration the above captioned applications and its inquires into the operation of Radio Station WKND, Windsor, Connecticut, by KND Corporation and Radio Station WXLS-FM,[1] Willimantic, Connecticut, by X.L.S. Broadcasting Corporation.

2. Information before the Commission raises serious questions concerning whether the captioned applicants possess the qualifications to be or to remain licensees of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.[2]

3. Accordingly, it is ordered, that the captioned applications are designated for a consolidated hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether, and if so, the extent to which the licensee of Station WKND has violated, in its operation of the station, the Commission's Rules regarding fraudulent billing practices and the degree of knowledge or participation of those practices by principals of the licensee or its management-level personnel.

(b) To determine whether, and if so, the extent to which KND Corporation or its principals or management-level personnel misrepresented facts to the Commission regarding fraudulent billing practices at Station WKND.

(c) To determine whether, and if so, the extent to which control of the licensee of Station WKND was transferred to any person(s) without application to the Commission, in violation of Section 310(d) of the Communications Act of 1934, as amended.

(d) To determine whether, in light of the evidence adduced under issues (a) and (c) above, the licensee has exercised adequate control or supervision of the operation of Station WKND in a manner consistent with the responsibilities of a licensee.

(e) To determine, in light of the evidence adduced under the preceeding issues, whether the licensee of Station WKND possesses the requisite qualifications to be or to remain a licensee of the Commission and whether a grant of the captioned applications would serve the public interest, convenience and necessity.

(f) To determine whether, in light of the evidence adduced concerning its principals under issues (a), (b), (c) and (d) above, the X.L.S. Broadcasting Corporation possesses the requisite qualifications to be or to remain a licensee of Radio Station WXLS-FM.

4. It is ordered, That the Chief of the Broadcast Bureau is directed to serve upon the capitioned applicants, within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (d) inclusive.

5. It is further ordered, That the Broadcast Bureau proceed with the initial presentation of evidence with respect to issues (a) through (d) inclusive, and the applicants then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be and remain licensees of the Commission and that a grant of the applications would serve the public interest, convenience and necessity.

6. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to

[1] The Commission also has under consideration an application for the assignment of license of Radio Station WXLS-FM (BALH-780818ED). Action on this application will be held in abeyance pending the conclusion of the hearing ordered herein. *Jefferson Radio Company, Inc. v. FCC*, 340 F 2d 783 (D.C. Cir. 1964). *Walton Broadcasting Co.*, 28 FCC 2d 111 (1971) and *Bi-County Broadcasting Corporation*, 34 FCC 2d 1117 (1972).

[2] The license renewal for WKND has been deferred since April 1, 1978, for engineering reasons. The licensee and the assigned Administrative Law Judge are reminded that should all the hearing issues listed below be resolved in the licensee's favor, the 1978 license renewal application cannot be granted until the engineering problems have been eliminated.

Section 1.221(c) of the Commission's Rules, in person or be attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in tripulicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rules and shall advise the Commission thereof as required by Section 1.594(g) of the Rules.

8. It is further Ordered, That the Secretary of the Commision send a copy of this Order by Certified Mail—Return Receipt Requested to KND Corporation, licensee of Radio Station WKND, Windsor, Connecticut and to X.L.S. Broadcasting Corporation, licensee of Radio Station WXLS-FM, Willimantic, Connecticut.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-17439 Filed 6-5-79; 8:45 am]

BILLING CODE 6712-01-M

[FCC 79-256, 5924]

New Sunshine Agenda

May 4, 1979.

Effective the first open meeting in July, 1979, the FCC has announced it will make available to the general public a revised and expanded agenda notice known as the "Sunshine Agenda." The purpose of the Sunshine Agenda is to provide interested persons with brief summaries of items to be discussed at open Commission meetings. The New Sunshine Agenda will replace the former agenda public notice which listed only the titles of matters scheduled for Commission deliberation.

The Commission intends the new Sunshine Agenda to be a significant part of its regulatory improvement program in the spirit of Executive Order 12044 (Improving Government Regulations). The Commission has determined that the establishment of a Sunshine Agenda will serve the public interest by providing greater opportunities for public understanding of Commission rulemaking and decision making. This is a continuation of the effort begun by the Commission with the preparation of the *Guide to Open Meetings.*

The new Sunshine Agenda can be obtained from the Office of Public Affairs—Room 207—and will be available seven days before an open FCC meeting.

Persons needing further information about the Sunshine Agenda should contact Erika Z. Jones or Lawrence Martin at 632-7000.

Action by the Commission, May 2, 1979. Commissioners Ferris (Chairman), Quello, Fogarty, Brown and Jones, with Commissioners Lee and Washburn concurring.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-17437 Filed 6-5-79; 8:45 am]

BILLING CODE 6712-01-M

Office of Science and Technology To Convene Meeting on Radio Propagation Analysis in Domestic Public Land Mobile Radio Service for Highly Irregular Terrain

May 30, 1979.

In light of the long-acknowledged shortcomings of the standard method of propagation analysis used in the Domestic Public Land Mobile Radio Service (DPLMRS) when applied to highly irregular terrain, the Office of Science and Technology will sponsor a meeting with members of the public with the view of moving toward the development of guidelines for interference analysis. Staff members from the Office of Science and Technology and the Common Carrier Bureau will be in attendance.

The method prescribed by the Commission for performing interference analysis is described in FCC Report R-6406 ("Carey Report") and § 21.504 of the Rules, which implements the Carey Report. The Carey Report's method of propagation analysis is premised upon the existence of "average" terrain. It has long been recognized by engineering experts in both the Commission and industry that the Carey Report is inadequate when terrain in the vicinity of the proposed station is highly irregular. There is at present, however, no standard method of propagation analysis in instances involving highly irregular terrain. As a result, considerable time and expense are frequently involved due to the lack of a uniform engineering approach. Under these circumstances, ad hoc engineering analysis can add considerably to the cost of engineering an application for a station in the DPLMRS as well as greatly increase the Commission's processing backlog.

The Common Carrier Bureau staff has long been aware of the situation, and has been working closely with the Office of Science and Technology on the problem. In order to move toward a better understanding of the problems posed by unusual terrain, the Common Carrier Bureau and the Office of Science and Technology have agreed that a meeting open to public participation for a discussion of these problems would be desirable. Both the Mobile Services Division of the Common Carrier Bureau and the Research and Standards Division of the Office of Science and Technology would welcome industry, government and individual participation in the meeting.

Accordingly, it is proposed that a meeting be held on June 26, 1979, at 10:00 a.m. in Room 511 at 1919 M Street, N.W., Washington, D.C., for the purpose of discussing propagation analysis and prediction methods in the DPLMRS radio services (30-512 MHz) when highly irregular terrain conditions prevail. The objective results of the meeting would be to move toward an industry-government consensus on the criteria to be employed in determining when to depart from the Carey Report and on the procedures to be employed when departing from Carey.

Parties interested in participating in these meetings should advise Mr. William Daniel, Chief, Applied Propagation Branch, Research and Standards Division, Office of Science and Technology (telephone (202) 632-7080), or Mr. S. R. McConoughey, Chief, Mobile Services Division, Common Carrier Bureau (telephone (202) 632-6400), of their intention to participate by no later than June 15, 1979, at the Federal Communications Commission, Washington, D.C. 20554.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-17438 Filed 6-5-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Amendment No. 11 to Commission Order No. 1 (Revised)]

Organization and Functions of the Federal Maritime Commission

Commission Order 1 (Revised) was amended by amendment 11 on April 17, 1979, in order to remove restrictions on redelegation of authority from agency officials to their subordinates as follows:

"6.04 The delegatees may in their discretion redelegate their authorities, unless otherwise restricted herein, to subordinate personnel under their

direction. The delegatees retain full responsibility for actions taken by their subordinates under any authority redelegated by them."

Richard J. Daschbach,

Chairman.

[FR Doc. 79-17522 Filed 6-5-79; 8:45 am]

BILLING CODE 6730-01-M

[Amendment No. 4 to Commission Order No. 201.1 (Revised)]

Redelegation of Authorities by the Managing Director

Commission Order 201.1 (Revised) was amended by amendment 4 on April 17, 1979, by deleting subsection 2.04 and substituting therefor the following:

"2.04 The delegatees may in their discretion redelegate their authorities, unless otherwise restricted herein, to subordinate personnel under their direction, provided that an advance copy of any such redelegation is furnished to the Managing Director in writing at least three days prior to its issuance. The delegatees retain full responsibility for actions taken by their subordinates under any authority redelegated by them."

Arthur Pankopf,

Managing Director.

[FR Doc. 79-17523 Filed 6-5-79; 8:45 am]

BILLING CODE 6730-01-M

[Commission Order No. 201.1 (Revised)]

Redelegation of Authorities by the Managing Director; Amendments 2 and 3

The Commission has recently issued two amendments to Commission Order No. 201.1. The texts of these amendments are printed below.

Amendment 2

Effective Date: January 14, 1979.

Purpose: To redelegate specific authorities from the Managing Director to the Director, Bureau of Ocean Commerce Regulation and the Compliance Board, and to amend the Appeals procedure.

I. Retitle Section 4. to read:

Section 4. Specific Authorities Redelegated to the Director, Bureau of Ocean Commerce Regulation

II. Amend Section 4.01 by deleting the words: "and in the foreign commerce of the United States,"

III. Amend Section 4.02 by deleting the words: "or carriers in the foreign commerce of the United States,"

IV. Add a new Section 4.10 to read:

4.10 Authority to appoint a Compliance Board consisting of three members to approve special permission applications and reject tariff filings of common carriers in the foreign commerce of the United States, or conferences of such carriers as set forth in Section 7 of this Order.

V. Renumber Section 7. and 7.01 as Sections 8. and 8.01, respectively.

VI. Add a new Section 7. to read as follows:

Section 7. Specific Authorities Redelegated to the Compliance Board

7.01 Authority to accept or reject tariff filings of common carriers in the foreign commerce of the United States or conferences of such carriers for failure to meet the requirements of statute or the Commission's requirements, or for lack of completeness and clarity of the rules and regulations governing the tariff, or noncompliance with special permission or other order of the Commission.

7.02 Authority to approve special permission applications submitted by carriers in the foreign commerce of the United States, or conferences of such carriers, for relief from statutory and/or Commission tariff requirements, when good cause is clearly stated by the applicant in terms of: (a) complete, or near complete, lack of service; (b) lack of special service (RO/RO, heavy lift refrigerator, etc.); (c) expiration of letter of credit requiring prompt movement of cargo and nonavailability of vessel or space; (d) flag requirements of U.S. or any other government; (e) the correction of an obvious clerical or typographical error; (f) advancement of an effective date because of added cost which could not be predicted by the carriers (normally concerned with currency changes, fuel oil increases, port conditions, imposition of new or additional charges by a government or quasi-governmental authority, closing of a land or waterway which increases the length of a voyage, congestion, labor shortages, poor productivity, and lack of equipment); (g) movement of relief or other special cargo; (h) filing of open rates; (i) entrance of an independent carrier into a conference; (j) waiver of Commission rules for the convenience of tariff publishing; (k) amendment of suspended tariff items to eliminate the need for litigation; (l) postponement or cancellation of the effective date of tariff changes prior to or after receipt of protests to resolve matters which may otherwise require formal Commission action; or (m) other appropriate criteria.

VII. Amend Section 8. (Appeals) to renumber as Section 9. and read as follows:

Section 9. Appeals

9.01 All actions performed under the authorities redelegated by this Order, with the exception of those redelegated to the Compliance Board in Section 7., may be appealed to the Managing Director, provided that appeals must be received by the Managing Director in writing, within ten calendar days following the action being appealed.

9.02 All actions performed under the authorities redelegated to the Compliance Board by Section 7. may be appealed to the Director, Bureau of Ocean Commerce Regulation, who is hereby delegated the authority to entertain such appeals and act for the Managing Director thereon, provided that such appeals must be received by the Director, Bureau of Ocean Commerce Regulation in writing within ten calendar days following the action being appealed.

VIII. Renumber Sections 9. and 9.01 as Sections 10. and 10.01, respectively.

Amendment 3

Effective date: March 21, 1979

Purpose: To redelegate authority from the Managing Director to the Director, Bureau of Certification & Licensing to facilitate the timely processing of applications and issuance of certificates of financial responsibility to persons who own and operate vessels carrying oil from offshore facilities above the outer continental shelf as provided by 46 CFR 544.

"5.04 Authority to (a) approve applications for Certificates of Financial Responsibility (OCS), and to issue or reissue or transfer such Certificates; (b) issue a written notice to an applicant stating that the Commission intends to deny an application, indicating the reason therefor; (c) deny any application for a certificate where the applicant has been issued the written notice of intention to deny, and has not submitted a timely request for a hearing on the denial; (d) rescind notices of intention to deny an application, and grant extensions of the time within which a request for a hearing may be filed; (e) revoke a Certificate upon request of the certificant; (f) revoke a Certificate for the reasons set forth in subparagraphs (4) and (5) of paragraph (a) of section 544.11 of the Commission's rules; and (g) grant or deny requests for extensions of time provided for in subdivision (iv) of

subparagraph (3) of paragraph (a) of section 544.8 of the Commission's rules."

Arthur Pankopf,

Managing Director.

[FR Doc. 79-17525 Filed 6-5-79; 8:45 am]

BILLING CODE 6730-01-M

[Commission Order No. 1 (Revised)]

Organization and Functions of the Federal Maritime Commission; Amendments 7, 8, 9, and 10

During the period December 1978 to March 1979, the Commission has issued several amendments to Commission Order No. 1 (Revised). The texts of these amendments are printed below.

Amendment No. 7

Effective Date: January 14, 1979

Purpose: To reflect an organizational change replacing the Bureau of Compliance with a new Bureau of Ocean Commerce Regulation.

"I. Section 2.03.3(1) is hereby amended by deleting the Bureau of Compliance and the offices listed thereunder and substituting therefor the following:

(1) Bureau of Ocean Commerce Regulation

a. Office of Agreements

b. Office of Tariffs

c. Office of Audits and Programs.

II. Delete current section 5.03.1 in its entirety and substitute the following:

1. The *Bureau of Ocean Commerce Regulation* is responsible for planning, development, administration, and effectuation of programs and activities in connection with the competitive practices, pricing, and other regulated activities of common carriers by water in the foreign and domestic offshore commerce of the United States, conferences of such carriers, terminal operators, and other persons subject to the jurisdiction of the Federal Maritime Commision.

The Bureau develops long-range plans, new or revised policies and standards, and rules and regulations, with respect to the program activities of the Bureau.

The program activities of the Bureau of Ocean Commerce Regulation are carried out by the Office of Agreements, the Office of Tariffs, and the Office of Audits and Programs.

a. *The Office of Agreements:*

(1) Reviews and analyzes (a) all agreements and modifications thereto filed by common carriers by water in the foreign and domestic offshore commerce of the United States, terminal operators, freight forwarders, conferences and other persons pursuant to section 15 of the Shipping Act, 1916; (b) applications for approval of dual rate contract systems and modifications thereto filed pursuant to section 14(b) of the Shipping Act, 1916; and (c) reports required to be submitted by parties to agreements, including:

(a) Minutes of conference meetings

(b) Shippers' Requests and Complaints Reports

(c) Reports of self-policing, and

(d) Pooling Statements.

(2) Monitors activities and practices of ocean common carriers and other persons to ensure that all agreements are filed for approval pursuant to section 15 of the Shipping Act, 1916, and that parties to agreements remain in compliance with the terms of agreements approved by the Commission.

(3) Initiates recommendations, collaborating with the Managing Director, the Bureau of Hearing Counsel, and other elements of the Commission as warranted, for formal action and proceedings by the Commission.

b. The *Office of Tariffs:*

(1) Reviews, analyzes, and maintains tariff filings of common carriers by water in the foreign and domestic offshore commerce of the United States, conferences of such carriers, and other persons subject to the regulatory jurisdiction of the Federal Maritime Commission in accordance with applicable statutes and the rules, orders, and regulations of the Commission, and accepts or rejects such filings.

(2) Pursuant to delegated authority, grants or denies applications for special permission to file tariffs on less than statutory notice, or for waiver of tariff filing rules and regulations; or, alternatively, makes recommendations thereto.

(3) With respect to improper or incorrectly filed tariffs, and pursuant to delegated authority, rejects such tariffs, issues letters of criticism, or recommends appropriate action thereon.

(4) Initiates recommendations, collaborating with the Managing Director, the Bureau of Hearing Counsel, and other elements of the Commission as warranted, for formal action and proceedings by the Commission.

(5) Operates a public reference room to provide assistance to the public in the inspection and copying of agreements, tariffs, and other public records, documents, and publications which are on file with or prepared by the Bureau of Ocean Commerce Regulation.

(6) Recommends appropriate action with respect to the prescription of reasonable maximum and minimum rates of common carriers by water engaged in the domestic offshore commerce of the United States and conferences of such carriers.

(7) Reviews tariffs filed by controlled carriers; ascertains whether such tariffs contain rates, charges, classifications, rules, or regulations which are just and reasonable; and either accepts such filings or recommends and initiates (a) orders to show cause why such tariff filings should not be disapproved, (b) orders to suspend the effective date of such filings, or (c) orders disapproving such filings.

c. The *Office of Audits and Programs:*

(1) Audits agreements approved by the Commission to determine whether the criteria under which the agreement was approved and current conditions warrant continued approval of such agreement, and makes recommendations with respect thereto. The audit will involve a review of (a) the authority under which the agreement was approved, including General Orders, Commission policy, and relevant court decisions and (b) economic and competitive conditions existing and foreseeable at the time of initial approval as compared to such conditions existing at the time of the audit. The audit will also include a determination whether parties are implementing the terms of the agreement.

(2) Periodically audits tariffs on file with the Commission to ensure their conformity with Commission rules and applicable statutes.

(3) Conducts studies and surveys for the development of new or revised policy and standards, and rules and regulations with respect to the program activities of the Bureau of Ocean Commerce Regulation.

(4) Monitors trade conditions and practices and routinely informs Bureau management of developing trends and problems and develops plans for their solution.

(5) Performs trade studies and prepares trade/carrier profiles.

(6) Analyzes and prepares comments on legislative proposals.

(7) In cooperation with the Office of Economic Analysis, forecasts trade and competitive conditions, and formulates appropriate strategies.

(8) Develops rulemaking proposals and analyzes all rule changes within the Bureau's scope of responsibility.

III. In section 3.02, substitute "Bureau of Ocean Commerce Regulation" for "Bureau of Compliance."

IV. In section 10.02 replace the words "Bureau of Compliance" wherever appearing and substitute therefor "Bureau of Ocean Commerce Regulation."

V. Change section 10.12 to read:

The public may inspect or obtain copies of agreements, tariffs, and other public records or documents which are on file with or prepared by the Bureau of Ocean Commerce Regulation from the Tariff Control Center, Bureau of Ocean Commerce Regulation, 1100 L St., N.W., Washington, D.C. 20573."

Amendment No. 8

Effective Date: December 21, 1978

Purpose: To add subsection 7.23 to facilitate the timely processing and monitoring of new and changing rates, charges, classifications, rules, and regulations filed by controlled carriers.

"7.23 Authority to (1) request controlled carriers to file justification for the need or purpose of existing or proposed rates, charges, classifications, rules or regulations, (2) review responses to the above requests for the purpose of recommending to the Commission that a rate, charge, classification, rule or regulation be found unlawful and, therefore, require Commission action under section 18(c)(4)."

Amendment No. 9

Effective Date: February 14, 1979

Purpose: To amend subsection 7.02 to clarify and ratify the Managing Director's authority to approve or disapprove rather than merely approve applications for Special Permission and to facilitate the timely processing of applications for Special Permission filed by controlled carriers with respect to certain provisions of the Ocean Shipping Act of 1978 (Pub. L. 95-483).

"7.02 (a) Except as provided in (b) of this subsection with respect to a controlled carrier subject to the Ocean Shipping Act of 1978 (P.L. 95-483) authority to approve or disapprove Special Permission applications submitted by domestic offshore carriers or carriers in the foreign commerce of the United States, or conferences of such carriers for relief from statutory and/or Commission tariff requirements. (b) Authority to approve or disapprove Special Permission applications submitted by a controlled carrier subject to the provisions of the Ocean Shipping Act of 1978 (P.L. 95-483) for relief from statutory and/or Commission tariff requirements, pursuant to section 18(c)(3) of the Shipping Act, 1916, when such requested relief is shown by the controlled carrier to be needed in order to (i) meet the immediately filed rate of a competing carrier; (ii) reinstate or correct a rate which was omitted or altered due to obvious or demonstrated clerical error or oversight; or (iii) institute a rate to facilitate the movement of cargo when existing carriers serving the applicable trade are not able to transport such cargo or there is no competing service on the applicable trade. All other Special Permission applications submitted by a controlled carrier subject to the Ocean Shipping Act of 1978 (P.L. 95-483) shall be submitted to the Commission for appropriate action."

Amendment No. 10

Effective Date: March 21, 1979

Purpose: Add subsection 7.24 to facilitate the timely processing of applications and issuance of certificates of financial responsibility to persons who own and operate vessels carrying oil from offshore facilities above the outer continental shelf as provided by 46 CFR 544.

"7.24 Authority to (a) approve applications for Certificates of Financial Responsiblity (OCS), and to issue or reissue or transfer such Certificates; (b) issue a written notice to an applicant stating that the Commission intends to deny an application, indicating the reason therefor; (c) deny any application for a certificate where the applicant has been issued the written notice of intention to deny, and has not submitted a timely request for a hearing on the denial; (d) rescind notice of intention to deny an application, and grant extensions of the time within which a request for a hearing may be filed; (e) revoke a Certificate upon request of the certificant; (f) revoke a Certificate for the reasons set forth in subparagraphs (4) and (5) of paragraph (a) of section 544.11 of the Commission's rules; and (g) grant or deny requests for extensions of time provided for in subdivision (iv) of subparagraph (3) of paragraph (a) of section 544.8 of the Commission's rules."

Richard J. Daschbach,

Chairman.

[FR Doc. 79-17524 Filed 6-5-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 27, 1979.

A. *Federal Reserve Bank of New York*, 33 Liberty Street, New York, New York 10045:

1. Chemical New York Corporation, New York, New York (leasing and finance company activities; Oregon): To engage, through its subsidiary, Chemlease, Inc., in leasing real and personal property and equipment on a non-operating, full payout basis, and acting as agent, broker and advisor with respect to such leases; financing real and personal property and equipment such as would be done by a commercial finance company; and servicing such extensions of credit. The activities will be conducted from an office in Portland, Oregon, serving the cities of Portland, Salem, Corvallis, Eugene, Roseburg, Pendleton, Medford, Astoria, Newport, Coos Bay, Bend, and Ontario, Oregon.

2. Chemical New York Corporation, New York, New York (industrial bank activities; Colorado): To convert its subsidiary finance company located in Boulder, Colorado to an industrial bank to be known as Boulder Sunamerica Industrial Bank, and thereby engage in operation of an industrial bank in the manner authorized by the laws of the State of Colorado, including making direct loans and purchasing sales finance contracts and extending such other credit as would be made or

acquired by an industrial bank; providing group credit life and group accident and health insurance directly related to such extensions of credit; and receiving time savings deposits. These activities will be conducted from an office in Boulder, Colorado, serving the Boulder, Colorado area.

3. Citicorp, New York, New York (lending and insurance activities; Louisiana): To relocate an existing office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., and thereafter engage in making of consumer installment personal loans, purchasing and servicing for its own account installment sales finance contracts, making loans for the account of others such as one-to-four family unit mortgage loans, making loans to individuals and businesses secured by real and personal property, the proceeds of which may be for purposes other than personal, family or household usage, sale of credit related life and accident and health, or decreasing or level (in the case of single payment loans) term life insurance to cover the outstanding balances of credit transactions (singly or jointly with cosigners in the case of life coverage) in the event of death, or to make contractual monthly payments of the credit transactions in the event of obligor's disability by licensed agents or brokers to the extent permissible under applicable state laws and regulations; the sale of credit related property and casualty insurance protecting personal and real property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc. and to include liability coverage in home and automobile policies where such is the general practice, by licensed agents or brokers to the extent permissible under applicable state insurance laws and regulation. These activities will be conducted from an ofice in Bossier City, Louisiana serving the Bossier City and Shreveport, Louisiana areas.

4. Citicorp, New York, New York (lending activities; Indiana, Michigan and Tennessee): To engage, through its subsidiary, Nationwide Financial Services Corporation of Missouri, in making loans to individuals and businesses secured by real and personal property, the proceeds of which may be for purposes other than personal, family or household usage; such loans to include, but not be restricted to, dealer floor plan financing for products such as mobile homes, motor vehicles, marine, and other consumer products. These activities will be conducted from already existing offices of Nationwide Financial Services or Citicorp Person-to-Person Financial Center, Inc., in St. Louis, Missouri; Indianapolis, Indiana, Homewood, Alabama; and Forest Park, Georgia; serving the States of Indiana, Michigan and Tennessee.

5. Manufacturers Hanover Corporation, New York, New York (finance company and insurance activities; Indiana): To engage, through its subsidiary, the Financial Source, Inc., of Indiana, in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would be made by a consumer finance company; making or acquiring for its own account or for the account of others, loans and other extensions of credit, including purchasing installment sales finance contracts such as would be made by a sales finance company; servicing any such loans and other extensions of credit for any persons; acting as agent or broker for the sale of credit life insurance and credit accident and health insurance directly related to extensions of credit made by The Financial Source, Inc., of Indiana; and acting as agent or broker for property damage and liability insurance insuring collateral securing loans and other extensions of credit made directly by The Financial Source, Inc., of Indiana. These activities will be conducted from offices in Boonville, Indiana; Mitchell, Indiana, and Bluffton, Indiana, serving Warrick, Spencer, Pike, Vanderburgh, Lawrence, and Orange Counties, Indiana and the Bluffton, Indiana area.

6. Manufacturers Hanover Corporation, New York, New York (finance company and insurance activities; Kentucky): To engage, through its subsidiary, Ritter Finance Company, Inc., of Kentucky in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would be made by a consumer finance company; making or acquiring for its own account or for the account of others, loans and other extensions of credit including purchasing installment sales finance contracts such as would be made by a sales finance company; servicing any such loans and other extensions of credit for any persons; acting as agent or broker for the sale of credit life insurance and credit accident and health insurance directly related to extensions of credit made by Ritter Finance Company, Inc., of Kentucky and acting as agent or broker for property damage and liability insurance insuring collateral securing loans made directly by Ritter Finance Company, Inc., of Kentucky. These activities will be conducted from an office in Nicholasville, Kentucky, serving Jessamine and Garrard Counties, Kentucky.

B. *Federal Reserve Bank of Chicago,* 230 South LaSalle Street, Chicago, Illinois 60690:

Harris Bankcorp, Inc., Chicago, Illinois, (trust company activities; Florida): To engage, through its subsidiary Harris Trust Company of Florida, in activities that may be carried on by a trust company, including activities of a fiduciary, investment advisory, agency or custodian nature. These activities will be conducted from an office in West Palm Beach, Florida, serving the State of Florida.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 29, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-17450 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify

clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 25, 1979.

A. *Federal Reserve Bank of Chicago,* 230 South LaSalle Street, Chicago, Illinois 60690:

The Marine Corporation, Milwaukee, Wisconsin (trust activities; Wisconsin): To engage, through its subsidiary, Marine Trust Company, N.A., a national banking association limited to the operation of a trust company, in activities of a fiduciary, agency or custodial nature. Marine Trust Company will assume the trust department operations of certain subsidiary banks of The Marine Corporation. The Marine Trust Company will not make loans or investments or accept deposits except as authorized by § 225.4(a)(4) of Regulation Y. These activities will be conducted from the offices of Marine National Exchange Bank of Milwaukee, Marine National Bank of Neenah, Peoples Marine Bank of Green Bay, Security Marine Bank of Madison, West Bend Marine Bank, and Marine Bank of Beaver Dam, and the area to be served is the southeastern third of Wisconsin.

B. *Federal Reserve Bank of St. Louis* 411 Locust Street, St. Louis, Missouri 64166:

First Kentucky National Corporation, Louisville, Kentucky (investment advisory activities; national): To engage, through its subsidiary, First Kentucky Company, in acting as investment or financial advisor to the extent of (i) providing portfolio investment advice to any person; (ii) furnishing general economic information and advice, general economic-statistical forecasting services and industry studies; and (iii) providing financial advice to state and local governments, such as with respect to the issuance of their securities. Such activities will be conducted from an office in Louisville, Kentucky, and the area to be served is national.

C. *Federal Reserve Bank of San Francisco,* 400 Sansome Street, San Francisco, California 94120:

1. Imperial Bancorp, Inglewood, California (mortgage activities; California): To engage, through its subsidiary, Imperial Bancorp Mortgage Company, in originating mortgages on single and multi-family residential and commercial nonresidential properties, selling the mortgages to permanent investors, and servicing the loans on behalf of the investors who purchase the mortgages. The Company will assist developers, builders and others in obtaining construction loans and other types of loans. Such activities, will be conducted from offices in Inglewood, California and Costa Mesa, California, serving the state of California.

2. Wells Fargo & Company, San Francisco, California (lending, leasing and insurance activities; national): To engage, through its subsidiary, Wells Fargo Credit Corporation, in (1) Making or acquiring loans and other extensions of credit, including (a) acquiring consumer installment loans originated by others and (b) making or acquiring commercial loans secured by a borrower's or a guarantor's assets; (2) Servicing loans for the account of others; (3) Making full pay-out leases of personal property to the extent permitted by § 225.4(a)(6)(a) of Regulation Y of the Federal Reserve Board; and (4) Acting as agent for credit life or accident and health insurance related to its extensions of credit. Such services will be offered to finance companies, banks and other lending institutions; manufacturers, distributors and other corporations or businesses; and individuals. Such activities will be conducted from an office in Englewood, Colorado, and the area to be served is national.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-17454 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee

Domestic Policy Directive of April 17, 1979

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on April 17, 1979.[1]

The information reviewed at this meeting suggests that in the first quarter of 1979 growth in real output of goods and services slowed substantially from the rapid rate in the last quarter of 1978, while the rise in prices accelerated. In March the dollar value of total retail sales, industrial production, and nonfarm payroll employment expanded considerably, but part of the strength was attributable to recovery from the effects of severe weather in the preceding two months. For the first quarter as a whole, retail sales in real terms declined somewhat, following a sharp increase in the fourth quarter of 1978, and the advance in industrial output slowed appreciably. Growth in employment remained strong in the quarter, however, and the unemployment rate in March, at 5.7 percent, was virtually unchanged from its level in late 1978 and the first two months of 1979. Over recent months, broad measures of prices have increased at a faster pace than during 1978, and the index of average hourly earnings has continued to rise rapidly.

The trade-weighted value of the dollar against major foreign currencies has risen over the past four weeks, with the dollar showing particular strength against the yen, the Swiss franc, and the mark. The U.S. trade deficit in February was about half the size of the large deficit in January, but the average for the two months was above the monthly average in the fourth quarter of 1978.

M-1 increased slightly in March after having declined in both January and February. With market interest rates continuing high, inflows of the interest-bearing deposits included in M-2 and M-3 remained at reduced levels, depsite substantial flows into money market certificates at both commercial banks and nonbank thrift institutions, and the broader monetary aggregates continued to grow at relatively slow rates. From the fourth quarter of 1978 to the first quarter of 1979, M-1 declined at an annual rate of about 2½ percent, in part because of the effects of the growth of the automatic transfer service, and M-2 and M-3 grew at rates of about 1½ percent and 4½ percent respectively. The behavior of all three monetary aggregates was affected by shifts of funds from deposits to money market mutual funds and other liquid assets. Since mid-March, market interest rates generally have risen somewhat, on balance.

Taking account of past and prospective developments in employment, unemployment, production, investment, real income, productivity, international trade and payments, and prices, it is the policy of the Federal Open Market Committee to foster monetary and financial conditions that will resist inflationary pressures while encouraging moderate economic expansion and contributing to a sustainable pattern of international transactions. The Committee agreed that these objectives would be furthered by growth of M-1, M-2, and M-3 from the fourth quarter of 1978 to the fourth quarter of 1979 within ranges of 1½ to 4½ percent, 5 to 8 percent, and 6 to 9 percent respectively. The associated range for bank credit is 7½ to 10½ percent. These ranges will be reconsidered in July or at any time as conditions warrant.

In the short run, the Committee seeks to achieve bank reserve and money market conditions that are broadly consistent with the longer-run ranges for monetary aggregates cited above, while giving due regard to the program for supporting the foreign exchange value of the dollar and to developing conditions in domestic financial markets. Early in the period before the next regular meeting, System open market operations are to be directed at maintaining the weekly average federal funds rate at about the current level. Subsequently, operations shall be directed at maintaining

[1] The Record of Policy Actions of the Committee for the meeting of April 17, 1979, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

the weekly average federal funds rate within the range of 9¾ to 10½ percent. In deciding on the specific objective for the federal funds rate the Manager shall be guided mainly by the relationship between the latest estimates of annual rates of growth in the April-May period of M–1 and M–2 and the following ranges of tolerance: 4 to 8 percent for M–1 and 4 to 8½ percent for M–2. If, with approximately equal weight given to M–1 and M–2, their rates of growth appear to be close to or beyond the upper or lower limits of the indicated ranges, the objective for the funds rate is to be raised or lowered in an orderly fashion within its range.

If the rates of growth in the aggregates appear to be above the upper limit or below the lower limit of the indicated ranges at a time when the objective for the funds rate has already been moved to the corresponding limit of its range, the Manager will promptly notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, May 25, 1979.

Murray Altmann,

Secretary.

[FR Doc. 79-17449 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

Highland Lakes Bancshares Corp.; Formation of Bank Holding Company

Highland Lakes Bancshares Corporation, Kingsland, Texas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Highland Lakes National Bank, Kingsland, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 27, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 29, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-17451 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

Mannford Bancshares, Inc.; Formation of Bank Holding Company

Mannford Bancshares, Inc., Mannford, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Mannford State Bank, Mannford, Oklahoma. The factors tht are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 20, 1979. any comment on an application that request a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 25, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-17455 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

Michigan National Corp.; Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Litchfield State Savings Bank, Litchfield, Michigan. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 25, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 25, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-17452 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

Peoples Bancshares, Inc.; Formation of Bank Holding Company

Peoples Bancshares, Inc., Belton, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of The Peoples National Bank of Belton, Belton, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 25, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 29, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-17453 Filed 6-5-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Revies; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 30, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with

which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before June 25, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Nuclear Regulatory Commission

The NRC requests clearance of a new recordkeeping requirement in § 19.13(e) of 10 CFR Part 19, Notices, Instructions, and Reports to Workers; Inspections. The nuclear power industry faces a serious and rapidly emerging problem with occupational radiation doses. Although individual doses at nuclear power plants have remained relatively constant, the yearly average man-rems per plant have increased. High individual doses and accidental doses contribute only a small percentage of the cumulative dose. The large cumulative doses being experienced are due principally to large numbers of people being exposed within regulatory limits during maintenance operations which require physical contact with radioactive components. More maintenance has been required than had been expected, and the radiation dose rates are unexpectedly high (e.g., as much as 25 R per hour during steam generator tube plugging). This new requirement for controlling the total occupational radiation dose to workers, with implementation at 25 percent of the basic whole body dose limit, would reduce the probability of a transient worker or moonlighter receiving doses exceeding the basic quarterly whole body dose limit because an individual would have to (1) work for more than four licensees during a single calendar quarter, (2) withhold or falsify information on dose during prior employments or work assignments, or (3) be overexposed by a licensee to do so. Section 19.13(e) would require licensees to provide in writing, at the request of a worker, certain information regarding the worker's radiation dose during the terminating quarter. The estimate would be provided to the worker at the time of termination, so that the worker would have the information prior to entry into the restricted area of another licensee. These records will allow the NRC staff to determine, with increased assurance, that the total occupational dose of (cooperative) individual, including transient workers and moonlighters will be controlled. The NRC estimates that there will be approximately 700 requests annually under the provisions of § 19.13(e) and that the recordkeeping burden associated with each of the requests will average 12 minutes.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-17449 Filed 6-5-79; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Bilingual Education. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Committee meetings: June 21, 1979, 4:00 p.m. Full council Meeting: June 22 and 23, 1979, 9:00 a.m. to 5:00 p.m.

ADDRESSES: June 21, 1979, Committee Meetings will be held at the Reporters Building, 7th and D Streets, S.W. Washington, D.C. June 22, 1979, Full Council Meeting will be held in Federal Office Building No. 6, Room 3000, 400 Maryland Avenue, S.W., Washington, D.C. June 23, 1979, Full Council Meeting will be held in the Reporters Building, 7th & D Sts., S.W. Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Gloria Becerra, Office of Bilingual Education, Reporters Building, Room 421, Office of Education, 400 Maryland Avenue, S.W., Washington, DC 20202, (202–447–9227).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b–11) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meeting in June 22 and 23, 1979 will be open to the public beginning at 9:00 a.m.

June 22, 1979: A meeting of the Full Council on the following subjects is scheduled from 9:00 a.m. until 5:00 p.m. The proposed agenda includes the following:

I. Call to Order.
II. Minutes.
III. Committee Reports.
IV. Other Reports:
  a. NCES Study.
  b. OBE Staff.
  c. Committee Management Appointments.
  d. Research Agenda.

June 23, 1979: The proposed agenda includes the following:

I. Committee Reports and Action Items
II. Old Business:
  a. Public Service Announcements.
  b. Miscellaneous Items.
III. New Business:
  a. Bulletins.
  b. Public Hearings Calendar.
  c. Legislative Recommendations.
  d. Committee Assignments.
IV. Other.
V. Adjournemnt.

Records will be kept of all Council proceedings and shall be available for public inspection after approval, by the Full Council, of said records has been obtained. These records will be available in Room 421, Reporters Buildings, 300 7th Street SW., Washington, D.C. Written request for such records should be sent to 400 Maryland Avenue SW., Reporters Building, Room 421, Washington, D.C. 20202.

In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, D.C. on May 31, 1979.

Josué M. González,

Director, Office of Bilingual Education.

[FR Doc. 79-17424 Filed 6-5-79; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-577-DR; Docket No. NFD-710]

Mississippi; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State

of Mississippi (FDAA–577–DR), dated April 16, 1979.

DATED: May 18, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634–7825).

NOTICE: This Notice of major disaster for the State of Mississippi dated April 16, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 16, 1979.

For Public Assistance in addition to Individual Assistance: Newton County.

For Individual Assistance and Public Assistance: Calhoun.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance).

William H. Wilcox,

Administrator, Federal Disaster Assistance Adminsitration.

[FR Doc. 79–17442 Filed 6–5–79; 8:45 am]

BILLING CODE 4210–22–M

[FDAA–577–DR; Docket No. NFD–709]

Mississippi; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Mississippi (FDAA–577–DR), dated April 16, 1979.

DATED: May 13, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634–7825).

NOTICE: This Notice of major disaster for the State of Mississippi dated April 16, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 16, 1979.

For both Individual and Public Assistance: The City of Greenville.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79–17443 Filed 6–5–79; 8:45 am]

BILLING CODE 4210–22–M

[FDAA–577–DR; Docket No. NFD–712]

Mississippi; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Mississippi (FDAA–577–DR), dated April 16, 1979.

DATED: May 19, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634–7825).

NOTICE: This Notice of major disaster for the State of Mississippi dated April 16, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 16, 1979.

For Individual Assistance only: Jefferson County.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79–17444 Filed 6–5–79; 8:45 am]

BILLING CODE 4210–22–M

[FDAA–585–DR; Docket No. NFD–708]

Tennessee; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Tennessee (FDAA–585–DR), dated May 7, 1979.

DATED: May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall Johnson, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634–7825).

NOTICE: This Notice of major disaster for the State of Tennessee, dated May 7, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 7, 1979.

For Public Assistance in addition to Individual Assistance:

Hickman County for debris clearance and State and local road systems only.
Williamson County for State and local road systems only.

For Individual Assistance and Public Assistance for State and local road systems only;

Lauderdale County.

For individual Assistance only:

Dyer County
Gibson County
Maury County

For Public Assistance for State and local road systems only:

Decatur County
Henderson County
Perry County
Smith County

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79–17441 Filed 6–5–79; 8:45 am]

BILLING CODE 4210–22–M

[FDAA–580–DR; Docket No. NFD–711]

Texas: Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Texas (FDAA–580–DR), dated April 26, 1979.

DATED: May 17, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634–7825).

NOTICE: This Notice of major disaster for the State of Texas dated April 26, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 26, 1979.

For Public Assistance in addition to Individual Assistance, the counties of:

Hardin
Jefferson
Liberty
Montgomery
Orange

For Public Assistance Only:

Tyler County

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FR Doc. 79-17440 Filed 6-5-79; 8:45 am]

BILLING CODE 4210-22-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

May 20, 1979.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Death Valley Timbi-Sha Shoshone Band, c/o Pauline Esteves, Post Office Box 108, Death Valley, California 92328 has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on April 26, 1979. The petition was forwarded and signed by Pauline Esteves.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54:8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs' files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 79-17466 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-8485-A]

Alaska Native Claims Selection; Decision of May 1, 1979 To Issue Conveyance Amended

The purpose of this decision is to amend the description of lands within Sec. 4, T. 17 N., R. 2 W., Seward Meridian, on pages 2, 3 and 4 of the decision dated May 1, 1979.

On page 2, the description for section 4 now reads:

Seward Meridian

T. 17 N., R. 2 W.,
Sec. 4, SE¼NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SW¼SW¼SW¼, excluding the bed of the Alaska Railroad one-hundred (100) feet each side of the centerline;

The description is hereby corrected and amended to read as follows:

Seward Meridian

T. 17 N., R. 2 W.,
Sec. 4, SE¼NW¼, N½SW¼, SW¼SW¼, excluding the bed of the Alaska Railroad one-hundred (100) feet each side of the centerline;

On page 3, the description for section 4 now reads:

T. 17 N., R. 2W
Sec. 4, SE¼NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼;

The description is hereby corrected and amended to read as follows:

Seward Meridian

T. 17 N., R. 2 W.,
Sec. 4, SE¼NW¼, N½SW¼;

On page 4, the description for section 4 now reads:

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 2 W.
Sec. 4, SW¼SW¼SW¼, excluding the bed of the Alaska Railroad one-hundred (100) feet each side of the centerline.

The description is hereby corrected and amended to read as follows:

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 2 W.
Sec. 4, SW¼SW¼, excluding the bed of the Alaska Railroad one-hundred (100) feet each side of the centerline.

This decision corrects and amends only the description of lands within Sec. 4, T. 17 N., R. 2 W., Seward Meridian.

All other terms and conditions of the May 1, 1979 decision remain unchanged.

Terry Hassett,

Acting Chief, Branch of Adjudication.

May 25, 1979.

[FR Doc. 79-17419 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-84-M

[AA-6667-A through AA-6667-C]

Alaska Native Claims Selection; Decision of May 16, 1979 To Issue Conveyance Modified

The purpose of this decision is to modify the description of the access road rights-of-way, page 22, paragraph 2.

The paragraph now reads:

2. Those access road rights-of-way 50 feet in width granted to Alyeska Pipeline Service Company pursuant to Sec. 28 of the Mineral Leasing Act (30 U.S.C. 185), as amended November 16, 1973 (87 Stat. 576):

The paragraph is hereby corrected and modified to read as follows:

2. Those access road rights-of-way 100 feet in width (50 feet on each side of centerline) granted to Alyeska Pipeline Service Company pursuant to Sec. 28 of the Mineral Leasing Act (30 U.S.C. 185), as amended November 16, 1973 (87 Stat. 576):

This decision corrects only the right-of-way width in the above paragraph. All other terms and conditions of the May 16, 1979 decision remains unchanged.

Terry Hassett,

Acting Chief, Branch of Adjudication.

May 25,1979.

[FR Doc. 79-17420 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-84-M

[W-68219]

Wyoming; Application

May 25, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4½ inch O. D. natural gas pipeline, a 4' x 6' meter house and related metering and dehydration facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 16 N., R. 93 W.,
Sec. 32, S½NW¼, NE¼SW¼, NW¼SE¼.

The proposed pipeline will transport natural gas from the #4-32 Federal Well

located in the SE¼ of section 32, to a point of connection with an existing pipeline located in the NE¼ of section 31, all located within T. 16 N., R. 98 W., Sweetwater County, Wyoming. The proposed 4' x 6' meter house and metering and dehydration facilities are to be located entirely within the proposed 50 foot right-of-way in the NW¼SE¼ of section 32, T. 16 N., R. 98 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 N., Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-17421 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 68220]

Wyoming; Application

May 25, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4½ inch O.D. natural gas pipeline, a 4' x 6' metering house and related metering and dehydration facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 14 N., R. 92 W.,
Sec. 15, N½SW¼ and SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, NE¼NE¼.

The proposed pipeline will transport natural gas from the Southwest Robber's Gulch "A" #1 Well located in the SW¼ of section 15, to a point of connection with an existing pipeline located in the NE¼NE¼ of section 21, all within T. 14 N., R. 92 W., Carbon County, Wyoming. The proposed 4' x 6' metering house and related metering and dehydration facilities are to be located entirely within the proposed 50 foot right-of-way in the SW¼ of section 15, T. 14 N., R. 92 W., Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-17422 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-84-M

[W-67644]

Wyoming; Application

May 25, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma filed an application for a right-of-way to construct a 6⅝ inch natural gas pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 19 N., R. 92 W.,
Sec. 6, lots 3, 4, 5, SE¼NW¼, NE¼SW¼

The proposed pipeline will transport natural gas from a point in section 31, T. 20 N., R. 92 W., Sweetwater County, to a point of connection with Cities Service Gas Company's proposed gathering line in section 6, T. 19 N., R. 92 W., Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-17423 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract With the Alpaugh Irrigation District; Availability of Contract

The Department of the Interior, through the Bureau of Reclamation, intends to enter into a contract with Alpaugh Irrigation District, Tulare County, California, pursuant to the Small Reclamation Projects Act of 1956, as amended.

The Alpaugh Irrigation District has proposed the construction of 10 wells equipped with pumps, motors, and necessary appurtenances. Also, a collector system of open earthen canals approximately 6 miles in length to transport water from the new well field to the district's existing distribution system will be constructed.

The project is estimated to cost approximately $1,519,300. The district will contribute $107,300 and the United States will loan the district $1,412,000. The loan will be repaid over a period of 50 years.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the date of this notice.

For further information and to obtain a copy of the proposed contract, please contact Mr. Jack Thayer, Contract and Repayment Branch, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 468-4498.

Dated: May 25, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-17002 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations With the State of Nevada; Intent To Initiate Negotiations for an Amendatory Water Service Contract

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate an amendatory water service contract with the State of Nevada to privide that (1) in addition to the State's present 300,000 acre-foot contractual entitlement, the State will receive 4 percent of any surplus Colorado River waters available in the Lower Colorado River Basin which are unapportioned by the Colorado River Compact, and (2) subject to the approval of individual subcontracts by the designated representative of the Department of the Interior, the State may enter into subcontracts for diversion of Colorado River water within the State which, in the aggregate, shall not exceed 4,000 acre-feet per year.

The State of Nevada's present contract, No. I1r–1399, was executed on March 30, 1942, and amended on January 3, 1944. The United States makes available a maximum annual quantity of 300,000 acre-feet of Colorado River water to the State from the Boulder Canyon Project pursuant to the State's entitlement under the Colorado River Compact, and the Boulder Canyon Project Act (45 Stat. 1057), as amended and supplemented.

The water service contract between the State of Arizona and the United States, dated February 4, 1944, recognized the State of Nevada's entitlement to 4 percent of any surplus Colorado River waters available in the Lower Colorado River Basin which are unapportioned by the Colorado River Compact. This was reaffirmed by the United States Supreme Court decree dated March 9, 1964, in *Arizona vs. California et al.* (376 U.S. 340). The State of Nevada has requested that its existing contract be amended to provide for this apportionment of surplus Colorado River water.

In addition, and in order to facilitate water service administration, the Bureau intends to allow the State to execute subcontracts with small water diverters along the Colorado River, Lake Mead, and Lake Mohave. The subcontracts would not exceed an annual delivery of 4,000 acre-feet of the State's entitlement.

All meetings scheduled by the Bureau of Reclamation with the State for the purpose of discussing terms and conditions of the proposed amendatory contract shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least one week prior to any meetings. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declardd to be available to the public.

For further information about scheduled negotiations and copies of the proposed contract, please contact Mr. George Blake, Chief, Contracts and Repayment Branch, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, telephone (702) 293–8536.

Dated: May 24, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-16934 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-09-M

Negotiation of an Operating Agreement With the South San Joaquin Irrigation District and the Oakdale Irrigation District; Intent To Begin Negotiations on an Operating Agreement

The Department of the Interior, through the Bureau of Reclamation, intends to initiate negotiations of an operating agreement for conjunctive operation of New Melones Dam and Reservoir with the non-Federal existing Tulloch and Goodwin Dams and Reservoirs on the Stanislaus River. The agreement will be among the United States, South San Joaquin Irrigation District, Manteca, California, and Oakdale Irrigation District, Oakdale, California. This proposed operating agreement will be entered into pursuant to the Reclamation Act of 1902 (32 Stat. 388), and acts amendatory and supplementory thereto, and articles 29, 30, and 31 of the Federal Power Commission (FPC) (now the Federal Energy Regulatory Commission) Order Issuing License for Project No. 2067 under date of August 21, 1951.

The New Melones Project on the Stanislaus River, California, was authorized for construction by the United States Corps of Engineers in the Flood Control Act of 1944 (58 Stat. 888). That authorization was subsequently modified by the Act of October 23, 1962 (76 Stat. 1191), which provided for an enlarged multipurpose project to be integrated into the Central Valley Project (CVP) when construction is completed. The New Melones Reservoir will add approximately 210,000 acre-feet of yield to the CVP. The authorization also provides for additional water to be released for fish and wildlife and water quality purposes in the Stanislaus and San Joaquin Rivers. The authorization also includes a powerplant to provide additional power production to the CVP, and recreational facilities around the reservoir will be built.

The New Melones Reservoir will inundate old Melones Dam and will require the use of Tulloch Dam and Reservoir as an afterbay for peaking power operations. Both of these latter facilities were features constructed and operated by the Oakdale Irrigation District and South San Joaquin Irrigation District. When the districts requested a FPC license, the Assistant Secretary of the Interior expressed to the FPC the Federal Government's interest in a reservoir at the Tulloch site and suggested that certain provisions be included in the license. As a result, the FPC provided in its grant of license that the United States will be permitted to use Tulloch Reservoir for necessary afterbay reregulation of water releases through the New Melones powerplant. This use would be in accordance with terms and conditions of an agreement among the parties which such agreement is the subject of this notice.

On October 24, 1972, the United States entered into an agreement and stipulation with the Oakdale Irrigation District and South San Joaquin Irrigation District which obligates the United States to operate the New Melones Project in a manner which acknowledges and protects the prior rights of the districts on the Stanislaus River. The operating agreement will include this aspect of the project operation and will provide criteria for daily operations.

Meetings for the purpose of negotiating the proposed amendment are expected to begin in June 1979. All meetings scheduled by the Bureau of Reclamation with the Oakdale Irrigation District and South San Joaquin Irrigation District for the purpose of discussing terms and conditions of the proposed operating agreement shall be open to the general public as observers. Advance notice of such meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any meeting. The public is invited to submit written comments on the form of the proposed agreement not later than 30 days after the completed draft is declared to be available to the public. All written correspondence concerning the proposed operating agreement shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

For further information about scheduled meetings and copies of the proposed operating agreement, please contact Mr. Merv de Haas, Repayment Branch, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone No. (916) 484–4878.

Dated: May 28, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-17222 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-09-M

Wind-Hydroelectric Energy Project, Wyoming; Intent To Prepare an Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental statement for the Medicine Bow Wind-Hydroelectric Energy Project, Wyoming. The proposed statement will address the environmental impact of large scale development of wind turbine generation (approximately 40 units) on the town of Medicine Bow and the surrounding area. Alternative sites for development are located about 4 miles southwest and 11 miles northeast respectively, from the town of Medicine Bow.

Environmental studies and preparation and processing of necessary environmental documents for this proposed project will be in accordance with provisions of the National Environmental Policy Act of 1969, and will be accomplished under the Council on Environmental Quality (CEQ) regulations published in the Federal Register, on November 29, 1978. Pursuant to these CEQ regulations and in accordance with Office of Management and Budget Circular No. A-95, "Evaluation, Review, and Coordination of Federal and Federally Assisted Program," we are soliciting the active participation of Federal, State, and local agencies; affected private groups; and individuals in a process to determine the scope and the significant issues to be analyzed in depth and those which are not significant and which can be deemphasized in the environmental statement.

The scoping process will begin with a public meeting at the Community Center in Medicine Bow, Wyoming, at 7:00 p.m., June 13, 1979. All interested parties are invited to attend.

Further public meetings and interagency coordination activities concerning environmental studies, input, and scoping activities will be announced as they are scheduled.

Anyone with suggestions as to significant environmental issues or who wishes to participate in the scoping meeting should write to: L. L. Nelson, Project Leader, Lower Missouri Region, Bureau of Reclamation, P.O. Box 25247, Denver, CO 80225.

Dated: May 31, 1979.

R. Keith Higginson,

Commissioner.

[FR Doc. 79-17428 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-09-M

Municipal Water Service Contract Negotiations, Shoshone Project, Wyo.; Intent To Negotiate for Municipal Water Service Contracts

The Department of the Interior, through the Bureau of Reclamation, intends to begin negotiations with the city of Cody and town of Lovell, Wyoming, for long-term municipal water service from Buffalo Bill Reservoir, the principal storage feature of the Shoshone Project. The proposed contracts will be drafted pursuant to section 9 (c) of the Reclamation Project Act of August 4, 1939 (53 Stat. 1186). Both municipalities have requested water service arrangements be consummated to provide future water supplies to supplement existing water rights. The present population of Lovell is about 2,750 and Cody about 7,200. Both expect substantial population increases by year 2000.

Under proposed arrangements, the United States would deliver water at the outlet works of Buffalo Bill Dam and all costs associated with delivering the water from the Shoshone River to the municipal system would be the responsibility of the individual municipality. An appropriate charge for a share of Buffalo Bill Dam and Reservoir's annual operating costs and a water service charge would also be applicable.

The public may observe any contract negotiation sessions. Advance notice of such sessions, if any, will be furnished on request. Requests must be in writing and must identify the contract in which the requesting party is interested. Following completion of contract negotiations, a proposed draft contract will be made available for public review.

Thereafter, a public hearing may be held, if necessary, and a 30-day period will be allowed for receipt of written comments from the public.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please contact Elaine Ellingson, Repayment Technician, Division of Water and Land, Bureau of Reclamation, P.O. Box 2553, Billings, Montana 59103, telephone (406) 657-6413.

Dated: May 25, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-17003 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

Outer Continental Shelf Policy Committee—North Atlantic Region; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The North Atlantic Regional Committee will meet during the period 10:00 a.m. to 3:00 p.m., June 21, 1979, in the 20th floor conference room of the John F. Kennedy Federal Building—Government Center, Boston, Massachusetts 02203.

The meeting will cover the following principal subjects:

1. Status of Leasing in the North Atlantic
2. Status of exploration in the Mid-Atlantic
3. Environmental Studies in the North Atlantic
4. Draft U.S./Canadian Treaty: Effects on Oil and gas development

The meeting is open to the public. Interested persons may make oral or written presentations to the Committee. Such requests should be made by June 13th to the North Atlantic Committee Chairman:

Charles Colgan, State Planning Office, 184 State Street, Augusta, Maine 04333, 207-289-3261.

Minutes of the meeting will be available for public inspection and copying 6 weeks after the meeting at the Office of OCS Program Coordination, room 5150, Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

Dated: May 31, 1979.

Alan D. Powers,

Director, Office of OCS Program Coordination.

[FR Doc. 79-17483 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-10-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-56]

Certain Thermometer Sheath Packages; Commission Hearing on the Presiding Officer's Recommendation and on Relief, Bonding, and the Public Interest, and of the Schedule for Filing Written Submissions

Recommendation of the Presiding Officer

In connection with the U.S. International Trade Commission's investigation under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), of alleged unfair methods of competition and unfair acts in the importation and sale of certain thermometer sheath packages in the United States, the presiding officer filed his recommended determination on May 3, 1979, that the Commission determine that there is no violation of section 337. The presiding officer certified the evidentiary record to the Commission for its consideration. Interested persons may obtain copies of the presiding officer's recommendation (and all other public documents) by contacting the office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161.

Commission Hearing Scheduled

The Commission will hold a hearing beginning at 10:00 a.m., e.d.t., on June 28, 1979, in the Commission's Hearing Room (Room 331), 701 E Street NW., Washington, D.C. 20436, for two purposes. First, the Commission will hear oral arguments on the presiding officer's recommendation that there is no violation of section 337 of the Tariff Act of 1930, as amended. Second, the Commission will hear oral presentations concerning appropriate relief, bonding, and the public-interest factors for consideration in the event that the Commission determines that there is a violation of section 337. These matters are being heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties to the investigation. The procedure for each portion of the hearing follows.

Oral Argument Concerning the Presiding Officer's Recommendation

A party to the Commission's investigation or an interested agency wishing to present to the Commission an oral argument concerning the presiding officer's recommendation will be limited to no more than 30 mintues. A party or interested agency may reserve 10 minutes of its time for rebuttal. The oral arguments will be held in this order: complaints, respondents, interested agencies, and Commission investigative staff. Any rebuttals will be held in this order: respondents, complainants, interested agencies, and Commission investigative staff.

Oral Presentations on Relief, Bonding, and the Public Interest

Following the oral arguments on the presiding officer's recommendation, a party to the investigation, an interested agency, a public-interest group, or any interested member of the public may make an oral presentation on relief, bonding, and the public interest.

1. *Relief.* If the Commission finds a violation of section 337, it may issue (1) an order which could result in the exclusion from entry of certain thermometer sheath packages into the United States or (2) an order which could result in requiring respondents to cease and desist from alleged unfair methods of competition or unfair acts in the importation and sale of these thermometer sheath packages. Accordingly, the Commission is interested in what relief should be ordered, if any.

2. *Bonding.* If the Commission finds a violation of section 337 and orders some form of relief, such relief would not become final for a 60-day period, during which the President would consider the Commission's report. During this period the thermometer sheath packages would be entitled to enter the United States under a bond determined by the Commission and prescribed by the Secretary of the Treasury. Accordingly, the Commission is interested in what bond should be determined, if any.

3. *The public interest.* If the Commission finds a violation of section 337 and orders some form of relief, it must consider the effect of that relief upon the public. Accordingly, the Commission is interested in the effect of any exclusion order or cease and desist order upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers.

Those persons making an oral presentation on any or all of the above topics will be limited to 15 minutes, with an additional 5 minutes each for summation after all presentations have been made. Participants with similar interests may be required to share time. The order of oral presentations will be as follows: complainants, respondents, interested agencies, public-interest groups, other interested members of the public, and Commission investigative staff. Summations will follow the same order.

How to participate in the hearing. Any person desiring to appear at the Commission's hearing must file a written request to appear with the Secretary to the U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, no later than the close of business (5:15 p.m., e.d.t.) on June 21, 1979. The written request must indicate whether such person wishes to present an oral argument concerning the presiding officer's recommendation and/or an oral presentation concerning relief, bonding, and the public interest. While only parties to the Commission's investigation, interested agencies, and the Commission investigative staff may present an oral argument concerning the presiding officer's recommended determination, public-interest groups and other interested members of the public are encouraged to make an oral presentation concerning the public interest.

Written Submissions to the Commission

The Commission requests that written submissions of three types be filed no later than the close of business on June 21, 1979.

1. *Briefs on the presiding officer's recommendation.* Parties to the Commission's investigation, interested agencies, and the Commission investigative staff are encouraged to file briefs concerning exceptions to the presiding officer's recommendation. Briefs must be served on all parties of record to the Commission's investigation on or before the date they are filed with the Secretary. Statements made in briefs should be supported by references to the record. Persons with the same positions on the issues are encouraged to consolidate their briefs, if possible.

2. *Written comments and information concerning relief, bonding, and the public interest.* Parties to the Commission's investigation, interested agencies, public-interest groups, and any other interested members of the public are encouraged to file written comments and information concerning relief, bonding, and the public interest. These submissions should include a proposed remedy, a proposed determination of bonding, and a discussion of the effect of the proposals on the public health and welfare, competitive conditions in the U.S. economy, the production of like

or directly competitive articles in the United States, and U.S. consumers.

3. *Requests to participate in the hearing.* Written requests to appear at the Commission hearing must be filed by June 21, 1979, as described above.

Additional Information

The original and 19 true copies of all briefs and written comments and any written request to participate must be filed with the Secretary to the Commission.

Any persons desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request *in camera* treatment. Such request should be directed to the Chairman of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments reflecting confidential information approved by the Commission for *in camera* treatment will be treated accordingly. All nonconfidential written submissions will be open to public inspection at the Secretary's Office.

Notice of the Commission's investigation was published in the Federal Register of July 25, 1978 (43 FR 32195).

By order of the Commission.

Issued: June 1, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-17598 Filed 6-5-79; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Architecture, Planning, and Design Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Architecture, Planning, and Design Panel (Livable Cities Section) will be held June 25, 1979, from 9 a.m. to 5:30 p.m., and June 26, 1979, from 8:45 a.m. to 5:30 p.m., in room 1426, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will closed to the public pursuant to subsection (c) (4), (6) and 9 (B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 31, 1979.

[FR Doc. 79-17468 Filed 6-5-79; 8:45 am]

BILLING CODE 7537-01-M

Architecture, Planning, and Design Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Architecture, Planning and Design Panel (Communication and Research Section) will be held June 28, 1979, from 9:00 a.m. to 5:30 p.m., and June 29, 1979, from 8:45 a.m. to 5:30 p.m., in room 1426, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will closed to the public pursuant to subsection (c) (4), (6) and 9 B of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 31, 1979.

[FR Doc. 79-17469 Filed 6-5-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-50-23]

Critical Mass Energy Project, et al.; Filing of Petition for Rule Making

Notice is hereby given that Michael H. Bancroft, Esq., has filed with the Nuclear Regulatory Commission a petition for rule making, dated May 9, 1979, on behalf of the Critical Mass Energy Project, the Public Interest Research Group, the Northern California Public Interest Research Group, the Iowa Student Public Interest Research Group, the Public Interest Research Group in Michigan, the Minnesota Public Interest Research Group, the Missouri Public Interest Research Group, the North Carolina Public Interest Research Group, the New Jersey Public Interest Research Group, the Vermont Public Interest Research Group, Citizens for a Better Environment, the Environmental Coalition on Nuclear Power, Local 1010 of the United Steelworkers of America, the Mid-America Coalition for Energy Alternatives, and Citizens Energy Forum.

The petition states that " * * * the petitioners hereby renew and supplement a petition on evacuation plans submitted to the NRC by PIRG and 30 other citizen groups on August 6, 1975. The NRC denied the petition on July 7, 1977." 42 FR 36326 (July 14, 1977).

The petitioners propose amendments to NRC regulations which are intended to improve the licensee and governmental ability to cope with radiological dangers following a nuclear accident. The amendments proposed by the petitioners include the following provisions:

1. Coordinated Offsite Emergency Response Plan

All 10 CFR Part 50 licensees and license applicants shall develop, in coordination with state and local authorities and the NRC, a detailed plan of offsite responses to a nuclear accident. The plan shall include provisions for evacuating the public in times of radiological emergencies and to take other protective action measures to protect the public within 50 miles of the licensed facility. The planned offsite protective actions, including evacuation, shall explicitly take account of the anticipated range of actual or imminent radiation releases and durational, weather, seasonal, and traffic conditions. Public expenses in formulating the emergency response plan shall be reimbursed by the licensee or license applicant.

2. Tests of the Plan

Before licensing a nuclear power plant, both at the construction and operating stages,

a test of the emergency response plan shall be conducted in cooperation with Federal, state and local authorities. In addition to testing communications, health protection, treatment of injuries, and radiation monitoring, the test shall include an evacuation drill in which a representative sector of angular width 7°, containing a diverse and significant population, is evacuated to a distance of at least 30 miles. For operating plants, such tests shall be conducted at least one a year, commencing upon the adoption of this regulation. All costs of conducting both offsite and onsite tests shall be borne by the licensee or license applicant.

3. Offsite Radiological Monitoring

The operator of a nuclear power plant shall maintain a system of offsite radiation detectors to determine the radiation exposure of the public from plant emissions. The system shall be designed, taking account of population distributions and seasonal weather conditions, so that cumulative doses to the public from accidental releases can be established with an error of less than 30% for the most exposed section of the public within 10 miles of the plant and less than 50% for those within 50 miles of the plant. The operator shall assume the costs for this monitoring system and shall operate it, unless it chooses to delegate operation to a suitably accurate governmental monitoring system.

4. Public Notice and Hearings

Each 10 CFR Part 50 licensee shall distribute to every residence, business, school and other institution within 50 miles of the facility (with sufficient copies for each person or household unit) information on the physical character and development of a large radioactive release, the health dangers of radiation exposure, and an outline of the emergency response plans which will be put into effect in different hazardous conditions. The public notice shall contain detailed information on how people can best protect their health, how they can receive bulletins during a radiological emergency, and what steps and routes they should take if an evacuation is ordered.

This notice shall be distributed before the grant of a construction permit or operating license, and thereafter annually in the case of an operating reactor. Prior to distribution of each notice specified above, there shall be public hearings, held in the vicinity of the facility, on the emergency response plan. In addition to the distributed information, the licensee shall make available to any member of the public all documents concerning the emergency response plan.

5. Consideration of Emergency Protection in Licensing and Siting

Determination that there will be effective emergency protection of the public in the event of large radiation releases shall be a prerequisite to NRC approval of a proposed nuclear reactor site. A finding of effective protection of the public within 50 miles of the proposed site shall take into account population density (resident, occupational, and transient), transportation patterns and areas of congestion, the effectiveness of the emergency plan demonstrated by the test, the vulnerability to long-term radioactive ingestion through food and water, and other relevant factors.

No construction permit shall be issued until the coordinated offsite emergency response plan has been formulated, tested, and demonstrated to be effective. No construction permit or operating license shall be issued in a state in which the state's radiological emergency response capability has not been certified effective by the NRC, based on lines of authority and communication, the availability of trained personnel and equipment, and detailed plans for appropriate contingencies, and also based on verification of effectiveness by tests and drills.

6. Emergency Response Plans for Existing Reactors and Interim NRC Safety Action

Operators of existing plants shall immediately undertake planning for offsite emergency action to protect the public, in cooperation with appropriate government officials. The plan shall be formulated and tested (including an evacuation drill) within six months of the promulgation of this regulation.

The NRC will immediately undertake an analysis of the operating nuclear reactors to determine which present the greatest risk to the public from accidental release of radioactivity. To determine the order of priority for interim safety actions, this analysis shall include the safety record of the plant (including the frequency of violations of NRC regulations, radiation exposure of workers, releases of radiation to the environment, the NRC's perception of the technical proficiency of the licensee's staff, and any design, construction, operational or generic deficiencies known to the NRC), adequacy of existing emergency plans, population density and other factors affecting the feasibility of evacuation, and the existence and capability of state and local radiological emergency plans and personnel. Having determined the plants in need of highest priority attention, the NRC will take prompt action to increase the safety of the plants and improve the efficacy of the emergency plans. In addition to asssisting the licensee in making these improvements, the NRC will consider interim steps to protect the public, including prompt testing of existing emergency plans and derating or closing down the plant until improvements are made.

As a basis for the petition the petitioners state that:

The Three Mile Island accident has shown that evacuation is not icing on the cake, but an essential safeguard of public health and safety in the aftermath of a nuclear accident. The discussions of the NRC Commissioners and staff on March 30, 1979 concerning evacuation of the area around Three Mile Island reveals a lack of knowledge about the feasibility of evacuation, as Pennsylvania officials sought to devise evacuation plans with little help or coordination from the NRC.

* * * * *

Decisions in the aftermath of a large accidental radiation release are dependent on monitoring the radiation rates and cumulative doses away from the source. The sporadic monitoring in the three days after the Three Mile Island accident shows that reliance on utilities' present systems of routine offsite environmental monitoring will not do in an emergency. Monitoring to provide adequate information for emergency decisionmaking must be either in place at all times a plant is operating or ready for immediate deployment in the event of an accident. If the latter method is adopted, such deployment must be tested as part of the plant's emergency response plan.

A copy of the petition for rule making is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should sent their comments to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by August 6, 1979.

FOR FURTHER INFORMATION CONTACT: Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301-492-7086.

Dated at Washington, D.C. this 30th day of May 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-17335 Filed 6-5-79; 8:45 am]

BILLING CODE 7590-01-M

Dr. Anthony R. Buhl; Certification

Dr. Anthony R. Buhl has requested that the Nuclear Regulatory Commission grant him an exemption from the statutory prohibition barring him from acting as an agent representing Technology for Energy Corporation (TEC) before the NRC on certain particular matters in which he had previously participated personally and substantially as an employee of the NRC. Each of these matters arises from the nuclear incident that occurred at Three Mile Island (TMI) Unit 2 on March 28, 1979.

Dr. Buhl served as Director of the Probabilistic Analysis Staff, Office of Nuclear Regulatory Research, from December 4, 1977–April 20, 1979. On March 12, 1979 he announced that he had accepted employment with TEC. Thereafter, in his final three and one-half weeks with the Commission he

provided technical support to NRC's Three Mile Island efforts. He provided: analyses of potential core melt sequences and their consequences; support to the fuel experts in determining core conditions; assistance in the coordination of special technology, instrumentation, and diagnostic measurements at TMI; assistance in coordinating several system hydraulics calculations and core blockage analyses; and assistance in developing potential backup or alternative measurement methods for certain critical parameters such as level indication.

Dr. Buhl's initial tasks for TEC will include providing calculations, taking measurements, and furnishing advice on whether the instrumentation at TMI is functioning properly. He will also be asked to recommend to Metropolitan Edison, the utility that operated TMI, steps that it should take to prevent future incidents.

For the reasons stated below, I certify, pursuant to Section 207 of Title 18, United States Code, that Dr. Buhl has outstanding scientific and technological credentials and that the national interest would be served by Dr. Buhl's acting as an agent or appearing personally before the Commission on behalf of TEC with respect to matters arising out of the incident at Three Mile Island.

Dr. Buhl has outstanding leadership ability and an intimate familiarity with the sequence of event that occurred at Three Mile Island. Many of the tasks Dr. Buhl will be asked to perform for TEC need to be done promptly. It is our understanding there are few, if any, individuals available to perform the required tasks with Dr. Buhl's credentials and his intimate familiarity with the sequence of events that occurred at TMI. The NRC is granting this exemptin because it believes it is in the national interest to have the most qualified individuals providing information and analyses to the NRC regarding the implication of the extraordinary TMI incident.

We also wish to emphasize that Dr. Buhl was not hired by TEC because of his special knowledge of the TMI incident. Dr. Buhl had accepted TEC's employment offer before the TMI incident occurred.

Dated at Washington, D.C., this 30th day of May 1979.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-17486 Filed 6-5-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Cooperative; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised the Technical Specifications for operation of the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications for operation of the LACBWR in fuel Cycle 6 by (1) adding core power distribution limits for Allis-Chalmers Type I fuel assemblies, and (2) changing the limits for off-gas emission rates to account for cleanup of tramp activity during operation. Moreover, the amendment includes additional Technical Specifications to require extended restrictions on reactor vessel water level and operability of forced circulation loops. These additional specifications are based on the Commission's review of the May 2, 1979 transient event at the Oyster Creek Nuclear Generating Station (Docket No. 50-219).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 26, 1979, and supplements thereto dated May 9 and 23, 1979, (2) Amendment No. 16 to License No. DPR-45, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 25th day of May 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-17487 Filed 6-5-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-260]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 2 (the facility) located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment permits operation of Browns Ferry Unit No. 2 with additional 8×8 retrofit fuel in the third fuel cycle following the second refueling outrage.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environment impact and that pursuant to 10 CFR 51.5(d))4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 9, 1979, as supplemented by letters dated May 15, 1979 and May 16, 1979, (2) Amendment No. 46 to License No. DPR–52, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md, this 25th day of May 1979.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. #3, Division of Operating Reactors.

[FR Doc. 79-17468 Filed 6-5-79; 8:45 am]

BILLING CODE 7590-01-M

Yellowcake Packaging and Emergency Response to Transportation Accidents; Availability of Draft for Public Comment; Extension of Comment Period

A notice was published on Thursday, April 19, 1979 (44 FR 23391), that a study group from the Nuclear Regulatory Commission and the Department of Transportation had issued for public comment the report: "Review and Assessment of Package Requirements (Yellowcake) and Emergency Response to Transportation Accidents," NUREG–0535 (March 1979). Several persons, including officials of the State of New Mexico, have requested additional time for commenting on the document. Accordingly, the comment period is hereby extended until June 21, 1979. Accordingly, the comment period is hereby extended until June 21, 1979.

Comments should be sent to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Single copies of the reports may be obtained from the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the report will be available for public inspection at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Silver Spring, Md., this 3rd day of May 1979.

For the U.S. Nuclear Regulatory Commission.

William J. Dircks,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 79-17485 Filed 6-5-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. PRM–2–8]

Union of Concerned Scientists and Natural Resources Defense Council, Inc.; Filing of Petition for Rule Making

Notice is hereby given that the Union of Concerned Scientists and Natural Resources Defense Council, Inc., by letter dated March 2, 1979, have filed with the Commission comments on a rulemaking action and a petition for rule making.

On October 19, 1978 (43 FR 48621) the Commission amended its regulation "Reporting of Defects and Noncompliance," 10 CFR Part 21. The amendments limited the types of items that are within the scope of Part 21 for reporting defects and noncompliance. The amendments provide that items that are available in general commerce and which have no unique requirements imposed for nuclear application will not be within the scope of the rule for reporting defects and noncompliance.

The notice of October 19, 1978, included the following statement:

> Since the amendment are intended, in part, to respond to a number of requests for exemptions form 10 CFR Part 21 which may be necessary to insure the continued availability of components for the nuclear industry and since the amendments narrow the scope of the regulation thereby relieving a restriction on persons subject to it, but without any significant adverse safety consequences, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary. Accordingly, the amendments are to be effective October 19, 1978.

The notice of October 19, 1978 also stated that:

> Public comments on these amendments and on other portions of 10 CFR Part 21 are invited in order to evaluate the need for any further clarifying or other changes to 10 CFR Part 21. Comments that are received prior to December 18, 1978, will be particularly useful in evaluating the need for and content of additional amendments.

In response to this request, the letter included a number of specific comments on the rulemaking action of October 19, 1978. These comments will receive careful attention.

The petition requests that—

1. All proposed regulations be preceded by an advance notice of intent to develop a regulation.

2. Staff proposals for regulations be treated no differently from those generated by the public—i.e., a Staff submittal of a proposal to the Commission should trigger a Federal Register notice and opportunity for public comments on the Staff proposal. Only after receipt of the public comments should the Commission take action on the proposal. The Staff proposal could be treated as the proposed amendment, provided its publication did not represent a prejudgment of the merits by the Commission.

In support of the petition for rulemaking, the petitioner commented as follows:

> Based on our review, we have concluded that the Staff misled the Commission concerning the urgency of, the need for, and the safety significance of amendment * * *
>
> There is obviously more to this proceeding than a mistaken amendment to a regulation. The Staff presentation to the Commission was clearly an adversary presentation during which the Staff skillfully used its presumed expertise, humor and the selective emphasis of record facts to persuade the Commission to do something it should not have done and to do it in an inappropriate manner. It is important that the Commission take steps to reduce the risk created by the Staff acting in an adversarial fashion.

A copy of the letter which contains the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the letter may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by August 6, 1979.

For Further Information Contact: Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Regulatory Commission, Washington, D.C. 20555, telephone 301–492–7036.

Dated at Bethesda, Maryland this 30th day of May 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-17334 Filed 6-5-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by Section 2(a) of the Act of September 25, 1962, (76 Stat. 593; 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970, (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, nursing homes, and outpatient clinics, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health, Education, and Welfare—with the exception of Canal Zone government hospitals.

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatments.

(c) For such care and treatment at Canal Zone Government hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

	Effective June 1, 1979 and thereafter		
	DOD	VA	HEW
Hospital care per inpatient day:			
General medical, surgical, and tuberculosis care	$226	$151	$156
Psychiatric care	.....	98	.....
Nursing home care	.....	66	.....
Burn Center, U.S. Army Institute of Surgical Research, Brooke Army Medical Center, Houston, Texas	634	.....	.....
Outpatient medical and dental treatment:			
Per outpatient visit	23	45	38

For the period beginning June 1, 1979, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on October 6, 1977, (42 FR 54480).

Dated: May 25, 1979.

James T. McIntyre, Jr.,

Director, Office of Management and Budget.

[FR Doc. 79-17434 Filed 6-5-79; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. MC76-5]

Basic Mail Classification, Reform Schedule, 1976

June 1, 1979.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Rescheduling Conference", dated June 1, 1979, the Conference presently scheduled for June 13, 1979, is rescheduled to July 17, 1979.

The Conference will commence at 9:30 a.m., at the Postal Rate Commission, Hearing Room, 2000 L Street, N.W., Suite 500, Washington, D.C.

A copy of the Presiding Officer's Notice is available to all interested parties in the Commission's Docket Room at the Postal Rate Commission, or by calling the Docket Room at Area Code 202-254-3800.

David F. Harris,

Secretary.

[FR Doc. 79-17591 Filed 6-5-79; 8:45 am]

BILLING CODE 7715-01-M

[Docket No. A79-21]

Prairie, Ala.; Order of Filing of Appeal

Issued May 31, 1979.

Before Commissioners: Clyde S. DuPont, Chairman; Simeon M. Bright, Vice Chairman; James H. Duffy; Kieran O'Doherty, in the matter of: Prairie, Alabama 36771 (Carla Martin, Petitioner), Docket No. A79-21, notice and order of filing of appeal.

On May 21, 1979, the Commission received a handwritten letter from Carla Martin (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to close the Prairie, Alabama, post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be liberally construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. 404(b)], so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.[1] Since the petition was apparently not written by an attorney, it does not conform perfectly with the Commission's rules of practice which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, § 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to ". . . ensure that such persons will have an opportunity to present their views." [4] The petition requests that the decision to close the Prairie post office be reversed. From the face of the petition it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, and whether a determination has been made under 39 U.S.C. § 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to

[1] 39 U.S.C. § 404(b)(5). 39 U.S.C. § 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-1311. Our rules of practice governing these cases appear at 39 CFR § 3001.110 *et seq.*

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1.

[4] 39 U.S.C. 404(b)(1).

[5] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

residents of both urban and rural communities.[6]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to consolidate post offices. The effect on the community is also a mandatory consideration under § 404(b)(2)(A) of the Act. The Petitioner alleges that the Postal Service did not take cognizance of repairs made in the building. Petitioner also alleges that patrons receive special help from the postmaster and that the post offices is the only center for dissemination of information.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. In its consideration of the effect on service standards under § 404(b)(2)(C) did the Postal Service's findings reflect the correct number of patrons?

2. Must the Service take cognizance of the repairs made to the building as part of its analysis of the service available before the proposed closing under 39 CFR § 247.34(a)?

3. Did the Postal Service properly consider the help given to patrons by the postmaster under the effect on the community standard of § 404(b)(2)(A)?

4. Did the Postal Service adequately consider the use of the post office as a center for dissemination of information under the effect on the community standard of § 404(b)(2)(A)?

5. Is the Postal Service's analysis of the effect on the community under § 404(b)(2)(A) inadequate because it failed to mention the day care center?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, *et al.* (May 7, 1979). Conversely, the determination may be found to resolve adequately one or more of the issues described above.

In view of the above, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by § 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Services's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to § 113 of the rules of practice (39 CFR § 3001.113), make the request therefor by order, specifying the issues to be addressed.

When such a requst is issued, the memorandum shall be due within 20 days of its issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission § 404(b) cases, and none is being appointed.[8]

The Commission orders:

(A) The letter of May 21, 1979, from Carla Martin shall be construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the Federal Register.

(C) The Postal Service shall file the administrative record in this case on or before June 5, 1979, pursuant to the Commission's rules of practice [39 CFR 3001.113(a)].

By the Commission.

David F. Harris,

Secretary.

Appendix

May 21, 1979—Filing of Petition.
May 31, 1979—Notice and Order of Filing of Appeal.
June 5, 1979—Filing of record by Postal Service [*see* 39 CFR § 3001.113(a)].
June 11, 1979—Last day for filing of petitions to intervene [*see* 39 CFR § 3001.111(b)].
June 20, 1979—Petitioner's initial brief [*see* 39 CFR § 3001.115(a)].
July 5, 1979—Postal Service answering brief [*see* 39 CFR § 3001.115(b)].
July 20, 1979—(1) Petitioner's reply brief, if petitioner chooses to file such brief [*see* 39 CFR § 3001.115(c)]. (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
September 18, 1979—Expiration of 120-day decisional schedule [*see* 39 U.S.C. § 404(b)(5)].

[FR Doc. 79-17532 Filed 6-5-79; 8:45 am]

BILLING CODE 7715-01-M

[6] 39 U.S.C. 101(b).

[7] 42 FR 59079-59085 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[8] In the Matter of Gresham, S.C., Route No. 1, Docket No. A78-1 (May 11, 1978).

POSTAL SERVICE

Phased Postage Rates; Effective Date of Certain Changes in Rates

Notice is given that, effective 12:01 a.m. on July 6, 1979, the eighth step of phased postage rate increases will be placed in effect for the following classes of mail: second-class; controlled circulation; third-class bulk mail for qualified nonprofit organizations; special rate fourth-class and library-rate fourth-class. This action represents the next step of scheduled rate increases for the designated classifications of mail to be phased in over a period of 8 or 16 years, depending on the particular mail classification involved. The phasing period was extended to 8 and 16 years by Act of Congress effective June 30, 1974 (Pub. L. 93-328). This eighth step of phased postage rate increases represents the final step for regular rate second-class mail, controlled circulation, and special rate fourth-class mail.

The rates of postage to be established, effective 12:01 a.m. on July 6, 1979, are set forth in the schedule published below.

(39 U.S.C. 101(d), 401, 403, 404, 3626)

W. Allen Sanders,

Acting Deputy General Counsel.

BILLING CODE 7710-12-M

SCHEDULE OF PHASED POSTAL RATES

(Effective July 6, 1979)

CLASS	POSTAGE RATE UNIT	POSTAGE RATE
Second Class		
In county:		
Pound rate matter	Pound	2.8¢
Per piece charge[2]	Piece	1.3
Outside county:		
Nonprofit:		
Nonadvertising	Pound	5.7
Advertising:[1]		
Zones:		
1 and 2	Pound	8.7
3	Pound	9.4
4	Pound	10.8
5	Pound	12.5
6	Pound	14.1
7	Pound	15.4
8	Pound	16.6
Per-piece charge[2]	Piece	2.1
Classroom:		
Nonadvertising	Pound	3.7
Advertising:		
Zones:		
1 and 2	Pound	4.9
3	Pound	5.5
4	Pound	6.7
5	Pound	8.6
6	Pound	10.8
7	Pound	12.5
8	Pound	14.3
Per piece charge[2]	Piece	1.3
Regular rate:		
Nonadvertising	Pound	13.1
Advertising:		
Zones:		
1 and 2 (Science of Agriculture)	Pound	8.7
1 and 2	Pound	17.5
3	Pound	18.4
4	Pound	19.9
5	Pound	22.7
6	Pound	26.0
7	Pound	29.4
8	Pound	31.8
Per piece charge[2]		
(1) For mailings of 5,000 or more copies per issue outside the county:		
(a) Level A; pieces not qualifying for Level B or C		7.0
(b) Level B; unique 3-digit city and 5-digit ZIP Code destinations		5.4
(c) Level C; Carrier route or finer sort		4.4
(2) For mailings of less than 5,000 copies per issue outside the county:		
(a) Level D; material not qualifying for presort level E		2.1
(b) Level E; unique 3-digit city and 5-digit ZIP Code destinations		1..
Nonsubscriber Copies Commingled and Presorted with Subscribers' Copies		
Per Pound	Pound	15.3
Per Piece Charge[2]	Piece	5.8
Transient rate:		
Consult postmaster.		
Controlled Circulation		
Per pound	Pound	15.3
Per piece	Piece[2]	5.8
Third Class		
Nonprofit bulk rate:		
Circulars:		
Per pound	Pound	19.0
Minimum per piece	Piece	3.1
Book, catalogs, etc.:		
Per pound	Pound	16.0
Minimum per piece	Piece	3.1
Fourth Class		
Special rate:		
First Pound		
Single piece	Pound	59.0
5-digit presort	Pound	52.0
3-digit presort	Pound	55.0
Each additional pound through 7 pounds	Pound	22.0
Each additional pound	Pound	13.0
Library rate:		
First pound	Pound	17.0
Each additional pound through 7 pounds	Pound	6.0
Each additional pound	Pound	5.0

[1] Not applicable to publications containing 10 percent or less advertising content.

[2] The per-piece charge is in addition to the pound rate.

Notice 64, July 1979

[FR Doc. 79-17516 Filed 6-5-79; 8:45 am]

BILLING CODE 7710-12-C

GPO 922-503

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-15875/May 25, 1979, File No. SR-Amex-79-7]

American Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 23, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of Terms of Substance of Proposed Rule Change

The American Stock Exchange, Inc. ("Amex") proposes to amend Exchange Rule 1. The texts of the proposed amendment are set forth below (italics indicates new material; brackets indicate deletions):

Hours of Business

Rule 1. No change.

Commentary:

.01 No change.

.02 One trading rotation in any class of options contracts may be completed even though completion of the rotation will result in the effecting of transactions on the Exchange after 4:10 p.m., provided:

(1) Trading in the underlying security opens or re-opens after 3:45 p.m. (N.Y. time) and promptly thereafter, and before 4:10 p.m. (N.Y. time), the Exchange commences an opening or re-opening rotation in the corresponding options [.]; *or*

(2) Such rotation was initiated due to unusual market conditions pursuant to Rule 917, and notice of such rotation is publicly disseminated no later than the commencement of the rotation or 4:00 p.m. (N.Y. time), whichever is earlier.

(3) A trading rotation commenced under either (1) or (2) above, must be authorized by two (2) Floor officials.

Exchange's Statement of Basis and Purpose

The purpose of the proposed rule change is to provide the Exchange with authority to effect options transactions after the normal closing time in order to complete a trading rotation initiated because of "unusual market conditions".

Under the present rule, the Exchange has such authority when the "unusual market condition" results from a delay in the opening, or a trading halt and subsequent re-opening of an underlying security; and the underlying security opens or re-opens for trading after 3:45 p.m. (N.Y. time). Provided the Exchange promptly thereafter, and before 4:10 p.m. (N.Y. time), commences an opening or re-opening rotation in the corresponding options class, the rotation may be completed even though option transactions may be effected after the normal closing time.

The proposal would provide the Exchange with similar authority when additional circumstances give rise to "unusual market conditions". For example, a heavy influx of orders in a class of options near the close of trading hours may necessitate the initiation of an option trading rotation although the underlying stock continues to trade.[1] Under the proposal, the Exchange would have the authority to complete such an option trading rotation beyond the normal closing hour, provided notice of such rotation is publicly disseminated no later than the commencement of the rotation or 4:00 p.m. (N.Y. time), whichever is earlier.

The basis for the proposed rule change is found in Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act") as amended, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

The proposed amendment to Rule 1 was approved by the Board of Governors on March 8, 1979.

No comments were solicited or received with respect to the proposed rule change.

The proposed rule change will not impose any burden on competition.

By July 11, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change; or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L. Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by June 27, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 25, 1979.

[FR Doc. 79-17511 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[1] This might occur when there has been a news announcement regarding the underlying stock, such as a stock split or tender offer, or unusual earnings report.

[Rel. No. 21067/May 30, 1979]

Central & South West Corp., et al.; Proposed Capital Contributions by Holding Company to Its Subsidiaries

In the matter of Central and South West Corp., 2700 One Main Place, Dallas, Texas 75250; Central Power and Light Co., P.O. Box 2121, Corpus Christi, Texas 78403; Public Service Co. of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102; Southwestern Electric Power Co., P.O. Box 21106, Shreveport, Louisiana 71156; (70-6314).

Notice is hereby given that Central and South West Corp. ("CSW"), a registered holding company, and Central Power and Light Co. ("CPL"), Public Service Co. of Oklahoma ("PSO"), and Southwestern Electric Power Co. ("SWEPCO") each of which is an electric utility subsidiary of CSW, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9, 10, and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CSW proposes to make capital contributions aggregating $45,000,000 to PSO, $25,000,000 to CPL, and $20,000,000 to SWEPCO from time to time prior to October 1, 1979. In each case, the amounts of the capital contribution will be added to the respective subsidiary's common stock account and will be used to pay its 1979 construction expenditures or short-term debt incurred

or to be incurred in connection therewith. It is estimated that short-term debt outstanding for each of the respective subsidiaries as of June 18, 1979, a proposed date for the capital contributions, will be: CPL—$45,000,000, PSO—$55,000,000, and SWEPCO—$56,000,000.

Capital expenditures (excluding allowance for funds used during construction) anticipated for CPL, PSO and SWEPCO for 1979 are as follows:

[In thousands]

	CPL	PSO	SWEPCO
Generation	$172,071	$171,000	$84,573
Transmission	22,665	18,000	26,723
Distribution and Other	24,833	25,000	24,406
Nuclear Fuel Payments	15,238	0	0
Fuel Exploration and Development	10,131	28,000	13,798
Total	234,938	242,000	149,499

None of the proceeds of any of the capital contributions nor any of the borrowings retired thereby shall be used to pay the cost of facilities ("inter-connection facilities") which would not be needed to provide service to customers of any of the operating companies if such operating company were not part of the CSW System, nor will any expenditures be made by any of the operating companies for the construction or acquisition of any facility not so needed prior to the time all funds covered by this application-declaration have been expended. For the purposes of foregoing representation, there is included within the meaning of the term "inter-connection facilities" all facilities, construction or acquisition of which is or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3-4951) which would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the Central and South West System.

It is stated that no state commission, and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,550, including legal fees of $500.

Notice is further given that any interested person may, not later than June 25, 1979, request is writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-17506 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-15876/May 25, 1979; File No. SR-CBOE-79-5]

Chicago Board Options Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 19, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Chicago Board Options Exchange's Statement of the Terms of Substance of the Proposed Rule Change

(Brackets indicate words to be deleted; italics indicate words to be added)

Trading Rotations

Rule 6.2. (no change)

* * * Interpretations and Policies:

.01 (no change)

.02 A trading rotation in any class of option contracts may be completed even though completion of the rotation will result in the effecting of transactions on the Exchange after 3:10 p.m. (Chicago time) provided that *either (i)* trading in the underlying security opens or reopens after 2:45 p.m. (Chicago time) and promptly thereafter but before 3:10 p.m. (Chicago time) the Exchange commences an opening or reopening rotation in the corresponding options class [.]*; or (ii) such rotation is initiated due to the declaration of a "fast market" pursuant to Rule 6.6 and notice of the rotation is publicly disseminated prior to its initiation and not later than 3:00 p.m. (Chicago time).*

Chicago Board Options Exchange's Statement of Basis and Purpose Under the Act for the Proposed Rules Change

The purpose of the proposed rule change is to provide a limited exception to the uniform 3:10 p.m. closing time for options trading in situations where a trading rotaton has been initiated at or near the close of trading due to the declaraton of a "fast market" pursuant to CBOE Rule 6.6. The reasons for such a limited exception are set forth at length in a CBOE letter to the Commission, dated March 6, 1979, a copy of which is attached as Exhibit A.

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act.

No comments were solicited or received on the proposed rule change.

The Exchange does not believe that the proposed rule change will impose any burden on competition.

By July 11, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by June 27, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 25, 1979.

[FR Doc. 79-17509 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-9900]

Eaton Corp.; Application and Opportunity for Hearing

May 25, 1979.

Notice is hereby given that Eaton Corporation (the "Applicant") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act") for a finding by the Commission that the trusteeship by Citibank, National Association (the "Bank") under an indenture of the Applicant (the "Eaton Indenture") which was qualified under the Act, and the trusteeship by The Bank under two indentures among Cutler-hammer, Inc., Guarantor, and the Bank, Trustee (collectively the "Cutler-Hammer Indentures"), and the obligations of Cutler-Hammer which are to be assumed by the Applicant upon the merger into the Applicant of Cutler-Hammer, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under any of such indentures.

Section 310(b) of the Act, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interests (as defined in that section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest, or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trustee ship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) It has outstanding $46,151,000 principal amount of 7.60% Debentures due December 15, 1996 ("Eaton Debentures") issued under the Eaton Indenture. The Debentures issued persuant to the Eaton Indenture were registered under the Securities Act of 1933, as amended and the Eaton Indenture was qualified under the Trust Indenture Act of 1939, as amended. The Bank is trustee under the Eaton Indenture;

(2) Outstanding are $3,702,000 principal amount of the 7½% Guaranteed Debentures due 1980, and $10,625,000 of the 8% Guaranteed Debentures due 1987 of Cutler-Hammer World Trade, Inc., which are guaranteed by Cutler-Hammer ("Cutler-Hammer Debentures"), and which are issued under Cutler-Hammer Indentures. The Bank is Trustee under the Cutler-Hammer Indentures;

(3) It merged with Cutler-Hammer on March 30, 1979 (the "Merger"). As of the effective date of the Merger, the Applicant will expressly assume the due and punctual performance and observance of all of the convenants and conditions of the Cutler-Hammer Indentures to be performed by Cutler-Hammer;

(4) The Eaton Indentures and the Cutler-Hammer Indentures are wholly unsecured and neither the Cutler-Hammer Debentures nor the Eaton Debentures are subordinate to each other, ranking *pari passu inter se.* The only material differences between the Eaton Indenture and the Cutler-Hammer Indentures, and between the rights of the holders of the Eaton Debentures and the holders of the Cutler-Hammer Debentures, relate to the fact that the Applicant is the primary obligor under the Eaton Indenture, but upon the merger will be the guarantor under the Cutler-Hammer Indentures, and also relate to aggregate principal amounts, dates of issue, certain financial convenants, events of default, maturity and interest payment dates, interest rates, redemption prices and procedures, sinking fund provisions, and other provisions of a similar nature.

(5) The Applicant is not in default under the Eaton Indenture, and upon the merger will not be in default under the Cutler-Hammer Indentures;

(6) Neither the differences indicated above, nor any other provisions of the aforementioned indentures are likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the Eaton Indenture.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after June 20, 1979, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may, not later than June 19, 1979 at 5:30 p.m., Eastern Standard Time, in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-17512 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10712/May 30, 1979]

Edie Management Services, Inc.; Filing of Application for an Order Exempting Company From Provisions of Investment Company Act

In the matter of Edie Management Services, Inc., 530 Fifth Avenue, New York, New York 10036 and Edie Special Growth Fund, Inc., Rowe Price new Horizons Fund, Inc. and T. Rowe Price Associates, Inc., 100 East Pratt Street, Baltimore, Maryland 21202; (812–4451).

Notice is hereby given that Edie Management Services, Inc. ("EMS"), Edie Special Growth Fund, Inc. ("Growth Fund"), Rowe price New Horizons Fund, Inc. ("New Horizons"), and T. Rowe Price Associates, Inc. ("Price") (hereinafter EMS, Growth Fund, Price and New Horizons are collectively referred to as "Applicants"), filed an application on March 12, 1979, and amendments thereto on May 3 and 23, 1979, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting New Horizons from the provisions of Section 15(f)(1)(A) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that EMS, a wholly-owned subsidiary of Lionel D. Edie & Company, Incoroprated ("Edie"), was the investment adviser to Growth Fund from the fund's inception in 1969 through December 31, 1978. Growth Fund, a Delaware corporation, is a diversified, open-end, no-load management company registered under the Act. Growth Fund's investment objective is long-term capital appreciation through investments primarily in small companies which appear to offer potentially high rewards, but which may represent a high degree of risk of various kinds. Sale of shares of Growth Fund were suspended as of December 31, 1978. At that date, the net assets of Growth Fund were approximately $33,090,000.

Applicants state that since January 1, 1979, Price has served, without compensation, as the investment adviser to Growth Fund. Price also acts as the investment adviser for six investment companies that is sponsors, one of which is New Horizons. New Horizons, a Maryland corporation organized in 1960, is a diversified, open-end, no-load management investment company registered under the Act. Its investment objective is long-term growth of capital through investment primarily in common stocks of small growth companies which the fund's management believes have the potential to become major companies in the future. As of December 31, 1978, the net assets of New Horizons were approximately $441,919,715.

Applicants state that on November 13, 1978, MES and Edie informed the Board of Directors of Growth Fund ("Growth Fund Board") that Manufacturers Hanover Trust Company ("MHT") planned to acquire all of the issued and outstanding shares of Edie and that EMS would terminate its investment advisory contract with Growth Fund at or prior to the effective date of the MHT acquisition in order to avoid potential problems under the Glass-Steagall Act. EMS indicated to the Growth Fund Board at that time that it would seek a successor investment adviser for Growth Fund. After reviewing numerous proposals from prospective investment advisers, EMS, Edie and Price entered into a letter of agreement ("Agreement") on December 15, 1978, which called for Price to assume management responsibility of Growth Fund effective December 31, 1978, and a reorganization pursuant to which New Horizons would acquire all of the assets of Growth Fund. Applicants state that they are not requesting the Commission to endorse the method by which Price was selected as successor investment adviser for Growth Fund.

Applicants state that in the Agreement, EMS undertook: (1) to transfer to Price and grant Price access to all its files and information relating to EMS's performance of services pursuant to its advisory agreement with Growth Fund; (2) to make EMS's personnel available to Price in order to facilitate Price's assumption of management of Growth Fund; and (3) to use its best efforts to bring about the prompt consummation of Growth Fund's reorganization into New Horizons, including assistance in obtaining requisite approval by shareholders, directors and regulatory agencies. In exchange for these undertakings, Price paid EMS $50,000. In addition, EMS and Edie agreed to provide advice and assistance to Price for a two year period beginning December 31, 1978, the date EMS terminated its investment advisory agreement with Growth Fund. EMS further agreed that during this two year period, it would not act as sponsor or investment adviser to any publicly offered, open-end investment company which has as its primary investment objective capital appreciation through investments in small capitalization and emerging growth stocks. In exchange for these undertakings, Price agreed to pay EMS $75,000 on both September 1, 1979, and September 1, 1980, unless the reorganization is not consummated on or before June 30, 1979, in which case the payments will be reduced to $25,000 each. The Agreement provides that expenses of the reorganization and the transactions described in the agreement will be borne by price and EMS.

Applicants state that the proposed reorganization of Growth Fund with New Horizons has been approved by the boards of directors of both funds. Applicants further state that the Growth Fund Board of Directors approved an investment advisory agreement with Price on December 28, 1978, which contains substantially the same terms and provisions as the investment advisory agreement between Price and New Horizons, except that Price will receive no compensation until approval of the advisory contract is obtained from Growth Fund shareholders. Applicants represent that Growth Fund's advisory contract with Price contains substantially the same provisions as the advisory contract with EMS, although the advisory fee paid Price will be less. EMS was paid an annual fee equal to 0.75% of the average daily net assets of Growth Fund not exceeding $100 million; 0.675% of average daily net assets in excess of $100 million but not exceeding $200 million; and 0.60% of average daily net assets in excess of $200 million. Under the investment advisory agreement currently in effect between Price and Growth Fund, as well as the agreement between Price and New Horizons, Price is to be paid (after stockholder approval) an annual fee equal to ½ of 1% of the first $500 million of average daily net assets of the fund and four-tenths of 1% of such assets in excess of $500 million.

Section 15(f)(1) of the Act provides, in relevant part, that:

> [a]n investment adviser . . . of a registered investment company . . . may receive any amount or benefit in connection with a sale of securities of, or a sale of any other interest in such investment adviser . . . which results in an assignment of an investment advisory contract with such company . . ., if (A) for a period of three years after the time of such action, at least 75 per centum of the members of the board of directors of such registered company . . . (or successor thereto, by reorganization or otherwise) are not (i) interested persons of

the investment adviser of such company . . ., or (ii) interested persons of the predecessor investment adviser . . . and (B) there is not imposed an unfair burden on such company as a result of such transaction or any express or implied terms, conditions, or understanding applicable thereto.

Applicants believe that the assumption by Price of investment advisory responsibilities for Growth Fund and the compensation to be paid by Price to EMS under the Agreement could be deemed to constitute an amount or benefit received in connection with the sale of an interest in an investment adviser which results in an assignment of an investment advisory contract. Therefore, Growth Fund, as of December 31, 1978, and New Horizons, after the reorganization with Growth Fund, must comply with the 75% independent directors requirement of Section 15(f)(1)(A) of the Act for the duration of the three year statutory period.

Since January 1, 1979, when Price began serving as Growth Fund's investment adviser, the application states that the Growth Fund Board has been in compliance with the requirement of Section 15(f)(1)(A) that 75% of its members not be interested persons of Price or EMS. However, the New Horizons Board currently has six directors, only three of whom are not interested persons within the meaning of Section 2(a)(19)(B) and Section 15(f)(1)(A) of the Act. New Horizons meets the conditions in Section 10(d) of the Act which permits it to have only one non-interested director of the adviser on its board. No adjustment in the composition of the New Horizons Board is contemplated following the acquisition of Growth Fund by New Horizons and, therefore, Applicants seek an exemptive order under Section 15(f)(1)(A) permitting New Horizons to retain its existing board of directors.

Applicants submit that in order to comply with Section 15(f)(1)(A), New Horizons would be required either to add up to six additional, non-interested directors or to reduce the number of interested directors to one. Such a restructuring of the New Horizons Board would impose an undue burden on New Horizons and its shareholders, according to Applicants, since after the merger the assets of Growth Fund will represent only a fraction of New Horizons' total assets. As of December 31, 1978, the net assets of New Horizons were 13 times greater than those of Growth Fund. Applicants also cite the directive to the Commission contained in Section 15(f)(3)(B) that consideration be given to a discrepancy in size of assets in deliberations on a request for an exemptive order from Section 15(f)(1)(A) when there is a sale of substantially all of the assets of one registered investment company to another. Applicants assert that this is precisely the situation of Growth Fund and New Horizons.

Applicants further contend that the interests of the shareholders of Growth Fund will be adequately protected after the reorgnization because the New Horizons Board has operated within the provisions of the Act since its creation and has three non-interested directors to watch over the interests of stockholders. It is undertaken that for the duration of the three year period from January 1, 1979, the New Horizons Board will include at least two directors who are not interested persons of Price or EMS, subject to consummation of the proposed reorganization of Growth Fund with New Horizons and to the death, resignation, or other incapacity of any of such directors before the expiration of his term.

Applicants state that the proposed acquisition by New Horizons of all the assets of Growth Fund will be a significant benefit to Growth Fund shareholders. The performance of both funds has been comparable relative to various indexes and their portfolios and investment objectives are similar. New Horizons' advisory fees and operating expense ratio also are lower than those of Growth Fund, and the assets acquired from Growth Fund will bring New Horizons closer to the level of assets at which the rate of advisory fee is reduced. Applicants state that as shareholders in New Horizons, Growth Fund shareholders will become part of the investment company complex sponsored by Price, thus permitting diversification pursuant to an exchange privilege when their investment objectives or the investment environment change. Applicants also state that the expenses incurred by the reorganization and by the transactions contemplated in the Agreement will be borne by EMS and Price and that no unfair burden will be placed upon the funds as a result of the transactions.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 25, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-17304 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21066/May 30, 1979]

General Public Utilities Corp., et al.; Proposed Issuance and Sale of Notes by Holding Company, Sale of Notes and Bonds by Subsidiaries and Pledges and Guarantees in Connection Therewith

In the matter of General Public Utilities Corporation, 260 Cherry Hill Road, Parsippany, New Jersey 07054; Jersey Central Power and Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605 and Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907; (70-6311).

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and its

electric utility subsidiaries Jersey Central Power & Light Company ("Jersey Central"), Metropolitan Edison Company ("Met-Ed") and Pennsylvania Electric Company ("Penelec"), have filed with this Commission an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(d) of the Act and Rules 44, 45, 50(a)(2) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Applicants-declarants request authorization to issue, sell and renew promissory notes ("Notes") having a maturity of not more than six months from date of issue, from time to time beginning with the date of any order issued in connection with this filing and ending on September 30, 1981, pursuant to a loan agreement to be entered into between them and certain banks (the "Loan Agreement"). The aggregate amount of indebtedness outstanding for all borrowers at any one time evidenced by the Notes shall not exceed $500,000,000. The maximum amount of indebtedness outstanding at any one time evidenced by the Notes by GPU, Jersey Central, Met-Ed, and Penelec individually, when added to borrowings effectuated by each pursuant to authority granted in File Nos. 70–6099, 70–6098, 70–6283 and 70–5987, respectively, shall not exceed the following: GPU, $150,000,000; Jersey Central, the lesser of $140,000,000 or the limit imposed by its charter; Met-Ed, the lesser of $90,000,000 or the limit imposed by its charter; and Penelec, the lesser of $116,000,000 or the limit imposed by its charter.

The proposed borrowings shall be subject to certain conditions precedent, shall be prepayable without penalty in multiples of $5,000,000 and may be accelerated in certain events. The Notes will bear interest at a rate per annum ranging from 105% to 111% of the higher of (i) Citibank's base rate or (ii) one-half of one percent above the three-week moving average of offering rates for three-month certificates of deposit of major banks, depending upon the amount of each borrower's outstanding indebtedness. There are no compensating balance requirements. A commitment fee of one-half of our percent per annum, as well as an agent's fee to cover administrative and other costs, are to be paid in connection with the borrowings.

GPU will be required to unconditionally guarantee the indebtedness of Jersey Central, Met-Ed and Penelec evidenced by the Notes. In addition it may be necessary for GPU to secure its Notes and its guarantees of its subsidiaries' Notes by a pledge of the common stock of Jersey Central, Met-Ed, Penelec and GPU Service Corporation (a service company subsidiary of GPU). GPU requests an exemption from the competitive bidding requirements of Rule 50 for such pledge pursuant to Rule 50(a)(5).

Jersey Central also request authority (i) to issue and sell for cash to the banks participating in the Loan Agreement (the "Banks") up to $100,000,000 principal amount of its first mortgage bonds ("Jersey Central Bonds"), any such sales being a part of the Banks' loans to Jersey Central under the Loan Agreement and not loans in addition thereto; or (ii) to issue and pledge the Jersey Central bonds to the Banks as security for their loans to Jersey Central under the Loan Agreement. The Jersey Central Bonds will mature on or before July 1, 1986, and will be issued pursuant to the indenture between it and Citibank, N.A., Trustee, as heretofore supplemented and amended and as to be further supplemented and amended. Other terms of the Jersey Central Bonds will be supplied by amendment. Jersey Central claims exemption from the competitive bidding requirements of Rule 50 promulgated under the Act for its issuance and sale or issuance and pledge of the Jersey Central Bonds pursuant to Rule 50(a)(2).

Met-Ed also requests authority (i) to issue and sell for cash to the Banks up to $100,000,000 principal amount of its first mortgage bonds ("Met-Ed Bonds"), any such sales being a part of the Banks' loans to Met-Ed under the Loan Agreement and not loans in addition thereto; or (ii) to issue and pledge the Met-Ed Bonds to the Banks as security for their loans to Met-Ed under the Loan Agreement. The Met-Ed Bonds will mature on or before July 1, 1986, and will be issued pursuant to the indenture between it and Morgan Guaranty Trust Company of New York, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended. Other terms of the Met-Ed Bonds will be supplied by amendment. Met-Ed claims exemption from the competitive bidding requirements of Rule 50 promulgated under the Act for its issuance and sale or issuance and pledge of the Met-Ed Bonds pursuant to Rule 50(a)(2).

Penelec also requests authority (i) to issue and sell for cash to the Banks up to $100,000,000 principal amount of its first mortgage bonds ("Penelec Bonds"), any such sales being a part of the Banks' loans to Penelec under the Loan Agreement and not loans in addition thereto; or (ii) to issue and pledge the Penelec Bonds to the Banks as security for their loans to Penelec under the Loan Agreement. The Penelec Bonds will mature on or before July 1, 1986, and will be issued pursuant to the indenture between it and Bankers Trust Company, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended. Other terms of the Penelec Bonds will be supplied by amendment. Penelec claims exemption from the competitive bidding requirements of Rule 50 promulgated under the Act for its issuance and sale or issuance and pledge of the Penelec Bonds pursuant to Rule 50(a)(2).

The net proceeds from the sales of the Notes (and bonds of the subsidiaries, if issued and sold) will be used (i) by GPU for additional investments in its electric utility subsidiaries, to reimburse its treasury for such investments therefor made and/or to pay notes the proceeds of which were previously used for such purposes, and (ii) by Jersey Central, Met-Ed and Penelec to reimburse their respective treasuries for capital expenditures theretofore made, for working capital and for other corporate requirements of each.

The occasion for the above-described financing authorization is the March 28, 1979, nuclear accident at Unit No. 2 of the Three Mile Island generating station ("TMI–2"), in which unit Met-Ed owns a 50% undivided interest and Jersey Central and Penelec each own a 25% undivided interest. Expenditures connected with TMI–2 and the purchase of replacement energy will subject the GPU system to a serious cash drain for an indeterminable period.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that the Board of Public Utilities of the State of New Jersey has jurisdiction over Jersey Central's proposed issuance and sale of Notes and Jersey Central Bonds and that the Pennsylvania Public Utilities Commission has jurisdiction over Met-Ed's and Penelec's proposed issuance and sale of Notes and Met-Ed Bonds and Penelec Bonds, respectively. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further giver that any interested person may, not later than June 12, 1979, request in writing that a

hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-17505 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-15877/May 25, 1979; File No. SR-MSE-79-12]

Midwest Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 16, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms and Substance of the Proposed Rule Change

Article XLII, Rule 1 is hereby amended as follows: *Additions Italicized*—[Deletions Bracketed].

Article XLII—Trading Rotations

Rule 1. No Change in Text

* * * Interpretations and Policies: .01 (a) No Change in Text.

(b) No Change in Text.

(c) A trading rotation in any class of option contracts may be completed even though completion of the rotation will result in the effecting of transactions on the Exchange after 3:10 P.M. (Chicago time) provided that *either (i)* trading in the underlying security opens or reopens after 2:45 P.M. (Chicago time); and promptly thereafter and before 3:10 P.M. (Chicago time) the Exchange commences an opening or reopening rotation in the corresponding options class[.]; *or (ii) such rotation is initiated due to the declaration of a "fast market" pursuant to Rule 3, Article XLII and notice of the rotation is publicly disseminated prior to its initiation and not later than 3:00 P.M. (Chicago time).*

Exchange's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide a limited exception to the uniform 3:10 P.M. closing time for options trading in situations where a trading rotation has been initiated at or near the close of trading due to the declaration of a "fast market" pursuant to Midwest Stock Exchange Rule 3, Article XLII. It is understood that all other exchanges on which listed options are traded will be adopting a similar exception.

The basis of this rule change is Section 6(b)(5) of the Act, which states that the rules of the exchange be designed to promote just and equitable principles of trade.

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

By July 11, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by June 27, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 25, 1979.

[FR Doc. 79-17510 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21064/May 25, 1979]

Northeast Utilities; Proposal To Issue and Sell Common Stock Pursuant to a Dividend Reinvestment and Common Share Purchase Plan

In the matter of Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089 (70-6309).

Notice is hereby given that Northeast Utilities ("Northeast"), a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to prior orders of the Commission, Northeast has been authorized to issue and sell up to 4,000,000 of its authorized but unissued common shares, $5 par value, pursuant to its Dividend Reinvestment and Common Share Purchase Plan adopted in 1974, as amended ("Plan"). As of April 15, 1979, Northeast had issued and sold 3,999,275 of its authorized common shares pursuant to the Plan.

Northeast now proposes to issue and sell from time to time up to June 30, 1981 the 725 shares remaining from the 4,000,000 shares previously authorized, plus a maximum of 3,000,000 additional authorized but unissued shares (the "Additional Common Shares"). The

purchase price for the 725 shares remaining from those previously authorized and for the Additional Common Shares will be the average of the closing sales price for common shares as reported by the Wall Street Journal as Composite Transactions during the five trading days immediately preceding the second day of each month ("Investment Date").

As of April 15, 1979, the proceeds from the sale of the 3,999,275 shares sold pursuant to the Plan (approximately $40,000,000) have been applied to the repayment of short-term borrowings incurred for capital contributions or advances to Northeast's subsidiaries to finance the cost of the continuing construction program of Northeast Utilities system. The proceeds from the sale of the balance of the shares pursuant to the revised Plan (estimated at approximately $18,000,000, assuming all of the remaining 3,000,725 Additional Common Shares are sold at a price of $9 per share) will be added to the general funds of Northeast and will be used to make loans or capital contributions to Northeast's subsidiaries and to repay Northeast's short term indebtedness.

The Plan as amended, has been revised to (a) add features which will replace the present Northeast Utilities system Employee Stock Purchase Plan adopted in 1966 which has heretofore enabled employees to purchase shares of the Company in the open market through Advest Co.; and (b) to provide for optional cash purchases of shares on a monthly basis. Effective July 23, 1979 the Advest program will be terminated and all employees participating in that program will be automatically transferred to the Plan. Shares currently held by Advest will also be transferred to the Plan.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 20, 1979, request in writing that a hearing be held on such matter, stating the nature of his request, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-17513 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 15886/May 30, 1979]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

In the matter of Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, PA 19103 (SR-Phlx-79-2).

On April 6, 1979, the Philadelphia Stock Exchange, Inc. filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which increases permissible spreads between bids and offers by specialists and Registered Options Traders.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-15721, April 12, 1979) and by publication in the Federal Register (44 FR 24670, April 26, 1979). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-17502 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-15880/May 29, 1979; File No. SR-PSE-79-7]

Pacific Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19 (b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b) (1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 25, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Rule VI, Section 38 by amending Subsections (a) (b) and (c), and Rule VI, Section 36 by amending Commentary .01 (b) as follows (italics indicate additions, and brackets indicate deletions):

Rule VI—Exchange Options Trading

Unusual Market Conditions

Sec. 38. (a) Whenever in the judgment of [any] *two* Options Floor Officials, because of an influx of orders or other unusual conditions or circumstances, the interest of maintaining a fair and orderly market so require, such Options Floor Officials, may declare the market in one or more classes of option contracts to be "fast".

(b) The Options Floor Officials, declaring the fast market shall have the power to do one or more of the following with respect to the class or classes involved:

(i) No Change.

(ii) No Change.

(iii) No Change.
(iv) No Change.
(v) No Change.
(vi) No Change.
(vii) No Change.
(c) Regular trading procedures shall be resumed when [an] *two* Options Floor Officials, determine[s] that the conditions supporting that declaration no longer exist.

Rule VI.—Exchange Options Trading

Rules Principally Applicable to Trading of Option Contracts Trading Rotations

Sec. 36. No Change.
Commentary:
.01 No Change.
(a) No Change.
(b) Closing Rotations. The closing rotation, when used, shall be commenced with all Order Book Officials proceeding concurrently in the following manner: Taking each class of option contracts in which he is acting in turn, each Order Book Official should close the one or more series of each class having the nearest expiration; he should then proceed to close in the same order, those series of each class having the next most distant expiration, and so forth, until all series have been closed. Except as otherwise provided by the Options Floor Trading Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine the order of closing each series of such puts and calls in light of current market conditions, in the manner provided in paragraph (a) for opening rotations.

One trading rotation in any class of option contracts may be completed even though completion of the rotation will result in the effecting of transactions on the Exchange after 1:10 p.m. provided that *(i)* trading in the underlying security opens or reopens after 12:45 p.m. and promptly thereafter and before 1:10 p.m. the Exchange commences an opening or reopening rotation in the corresponding options class, *or (ii) the rotation is initiated due to the declaration of a fast market by two floor officials pursuant to Rule VI, Section 38, and notice of the rotation is publicly disseminated prior to its initiation and not later than 1:00 p.m.*

Exchange's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to establish a definitive time when options trading will end each day on all Exchanges trading listed options contracts, while leaving some room for flexibility in unusual trading conditions.

The proposed rule change promotes just and equitable principles of trade and fosters cooperation among the options exchanges by establishing a definitive time for ending options trading each day and providing uniform exceptions for such rules.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden upon competition.

By July 11, 1979 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by June 27, 1979.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.
May 29, 1979.

[FR Doc. 79-17507 Filed 6-5-79; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-15878/May 25, 1979; File No. SR-PHLX 79-6]

Philadelphia Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on May 7, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") proposes to amend Rule 101. The texts of the proposed amendment are set forth below: (italics indicate new material; brackets indicate deletions)

Hours of Business

Rule 101. No Change.
* * * Supplementary Material:
.01 One trading rotation in any class of options contracts may be completed even though completion of the rotation will result in the transaction on the Exchange after 4:10 p.m. provided:
(a) Trading in the underlying security opens or re-opens after 3:45 p.m. (N.Y. time); and promptly thereafter and before 4:10 p.m. (N.Y. time), the Exchange commences an opening or re-opening rotation in the corresponding options class [.]; *or*
(b) Such rotation was initiated due to unusual market conditions pursuant to Rule 1046 and notice of such rotation is publicly disseminated no later than the commencement of the rotation or 4:00 p.m. (N.Y. time), whichever is earlier.
(c) A trading rotation commenced under either (a) or (b) above, must be authorized by two (2) Floor Officials.

Exchange Statement of Basis and Purposes of Proposed Rule Change

The purpose of the proposed rule change is to provide the Exchange with authority to effect options transactions after the normal closing time in order to complete a trading rotation initiated because of "unusual market conditions".

Under the present rule, the Exchange has such authority when the "unusual market condition" results from a delay in the opening, or a trading halt and subsequent re-opening of an underlying security; and the underlying security opens or re-opens for trading after 3:45 p.m. (N.Y. time). Provided the Exchange promptly thereafter, and before 4:10 p.m. (N.Y. time), commences an opening or re-opening rotation in the corresponding options class, the rotation may be completed even though option transactions may be effected after the normal closing time.

The proposal would provide the Exchange with similar authority when additional circumstances give rise to "unusual market conditions". For example, a heavy influx of orders in a class of options near the close of trading

hours may necessitate the initiation of an option trading rotation although the underlying stock continues to trade.[1] Under the proposal, the Exchange would have the authority to complete such an option trading rotation beyond the normal closing hour, provided notice of such rotation is publicly disseminated no later than the commencement of the rotation or 4:00 (N.Y. time), whichever is earlier.

The basis for the proposed rule changes is found in Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act") as amended, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

No comments were solicited or received with respect to the proposed rule change.

The proposed rule change will not impose any burden on competition.

By July 11, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change; or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by June 27, 1979.

[1] This might occur when there has been a news announcement regarding the underlying stock, such as a stock split or tender offer, or unusual earnings report.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 25, 1979

[FR Doc. 79-17503 Filed 6-5-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10714; May 30, 1979]

Shearson Daily Dividend, Inc.; Application for Order of Exemption From Rules 2a-4 and 22c-1 Under the Investment Company Act

In the matter of Shearson Daily Dividend Inc., 767 Fifth Avenue, New York, New York 10022 (812-4470).

Notice is hereby given that Shearson Daily Dividend Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, filed an application on May 1, 1979, and an amendment thereto on May 22, 1979, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share, for the purpose of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects, its portfolio securities will be valued in accordance with the views of the Commission, set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC-9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market fund," designed as an investment vehicle for investors seeking safety and liquidity consistent with high income. Applicant further states that it seeks to provide a convenient means of investing short-term funds where the direct purchase of money market instruments may be undesirable or impractical. Applicant represents that its portfolio may be invested only in short-term money market securities such as securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities; certificates of deposit, including those issued by domestic banks, foreign branches of domestic banks, domestic branches of foreign banks and savings and loan and similar associations; and high-grade commercial paper. Applicant states, in addition, that all of its investments must consist of obligations maturing within one year from the date of acquisition, and the average maturity of all its investments (on a dollar-weighted basis) will be 120 days or less.

Applicant states that presently it values its portfolio securities at market and that because of the short maturities of its portfolio instruments, its net asset value per share is not expected to vary from $1.00. Applicant states that the Dreyfus Corporation, Applicant's sub-investment adviser and administrator, has determined that two basic factors are helpful in attracting investors: (1) Stability of principal and (2) steady flow of investment income. Applicant asserts that by utilizing high quality money market instruments of short maturities together with a $1.00 price per share for sales and redemptions it would be possible to provide stability of principal and a steady flow of investment income to a variety of investors. Applicant asserts that investors prefer that declarations of daily income reflect income as earned and that the sales and redemption prices not change. Applicant contends that the adoption of such an income policy would give it an advantage over money market funds which permit net asset value fluctations to be reflected in the price or regularly include in their dividends realized or unrealized gains and losses.

Applicants states that its management has determined that an average portfolio maturity of 120 days together with a fixed price per share of $1.00 may provide a means of fulfilling both objectives, in that it would reduce the possibility of a change in the price per share while at the same time providing a yield on portfolio instruments more or less related to yields available in the general money market, and which is otherwise not available with a portfolio having an average maturity of a shorter duration.

Applicant further contends that the experience of other money market funds has shown that, given the nature of Applicant's policies and operations, there will normally be a relatively negligible discrepancy between actual net asset value based upon actual market prices and the fixed $1.00 price per share it proposes to use for purposes of sales and redemptions. Therefore, Applicant asserts, absent unusual market conditions, its price per share will remain at $1.00 pursuant to the practice of rounding net asset value to the nearest cent.

Rule 22c-1 under the Act provides, in part, that no registered investment company issuing any redeemable

security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of an order to purchase or sell such security. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In IC–9786 the Commission expressed its view that it is inconsistent with Rule 2a–4 for certain money market funds to "round off" calculations of their net asset value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" its portfolio valuation as required by Rule 2a–4.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant asserts that investors who would find Applicant to be a useful vehicle for investment of temporary cash reserves would be treated unfairly if Applicant were forced to calculate its price per share in a manner which would produce frequent fluctuations. Applicant states that the selection and maintenance of a portfolio having maximum maturity of 120 days or less, together with the fixed net asset value per share of $1.00 would reasonably protect investors against this event. Applicant further states that its management has determined to take other operational steps when necessary. Applicant states that in order to assure the stability of its price per share, it also will adhere to the following conditions:

1. Applicant will continue its fundamental investment policy that investments will be made only in instruments having a remaining maturity of one year or less, and that its portfolio will be managed so that the average maturity of all instruments in the portfolio (on a dollar-weighted basis) will be 120 days or less.

2. Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertakes—as a particular responsibility within its overall duty of care owed to the shareholders of Applicant—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of sales and redemptions, rounded to the nearest cent, will not deviate from one dollar.

3. Applicant will have in effect a policy that the portfolio of the Applicant may be invested exclusively in a variety of short-term money market instruments consisting of securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities; certificates of deposit, including those issued by domestic banks, foreign branches of domestic banks, domestic branches of foreign banks and savings and loan and similar associations; high grade commercial paper; and repurchase agreements pertaining to the foregoing classes of securities provided that such agreements are limited to transactions with financial institutions believed by Applicant's investment adviser to provide minimal credit risks. Applicant further agrees that all commercial paper and certificates of deposit it purchases shall meet the following criteria at the time of purchase: investments in bank certificates of deposit and bankers' acceptances will be limited to banks and savings and loan and similar associations having total assets in excess of one billion dollars; commercial paper will consist only of obligations (a) rated Prime–1 by Moody's Investors Service, Inc. ("Moody's") or A–1 by Standard & Poor's Corporation ("S&P"), or (b) issued by companies having an outstanding unsecured debt issue currently rated Aa or better by Moody's or AA or better by S&P.

Notice is further given that any interested person may, not later than June 20, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–17603 Filed 6–5–79; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–5130]

First Colonial Investment Corp.; License Surrender

Notice is hereby given that First Colonial Investment Corporation, Pembroke Four, Virginia Beach, Virginia 23462 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). First Colonial Investment Corporation was licensed by the Small Business Administration on June 22, 1977.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on May 24, 1979, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 29, 1979.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 79-17431 Filed 6-5-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1640]

Texas; Declaration of Disaster Loan Area

Coleman County and adjacent counties within the State of Texas constitute a disaster area as a result of damage caused by tornadoes, hail, high winds and rain which occured on April 10, 1979. Applications will be processed under the provisions of Pub. L. 94-305. Interest rate is 7⅜ percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 23, 1979, and for economic injury until the close of business on February 25, 1980, at: Small Business Administration, District Office, 1100 Commerce Street, Dallas, Texas 75242, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 24, 1979.

H. A. Theiste,

Acting Administrator.

[FR Doc. 79-17430 Filed 6-5-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0226]

West Coast Venture Capital; Issuance of Small Business Investment Company License

On December 1, 1978, a Notice of application for a license as a small business investment company was published in the Federal Register (Vol. 43, No. 232) stating that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)) for a license as a small business investment company by West Coast Venture Capital, 10375 Bandley Drive, Cupertino, California 95014.

Interested parties were given until the close of business December 18, 1978, to submit their comments. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA issued License No. 09/09-0226 to West Coast Venture Capital to operate as a small business investment company on May 22, 1979.

(Catalog of Federal Domestic Programs No. 59.011, Small Business Investment Companies)

Dated: May 31, 1979.

Peter F. McNeish,

Deputy Associated Administrator for Finance and Investment.

[FR Doc. 79-17693 Filed 6-5-79; 8:45 am]

BILLING CODE 8025-01-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 91]

Assignment of Hearings

June 1, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134906 (Sub-1, 2, 3, 4, 5, 6 and 7), now assigned for hearing on August 1, 1979 (3 days), at Louisville, KY, and continued to August 6, 1979 (until-completion) at Chicago) at Chicago, IL, in hearing rooms to be designated later.

AB-109 (Sub-1F), Quanah, Acme and Pacific Railway Company Abandonment Near Acme and Floyada In Hardeman, Cottle, Motley and Floyd Counties, TX, now assigned for hearing on July 10, 1979 (9 days), at Paducah, TX, in a hearing room to be later designated.

MC 123407 (Sub-484F), Sawyer Transport, Inc., now assigned for hearing June 4, 1979 at Little Rock, Arkansas and will be held in Room 302, 2nd Floor, 2nd & Center Sts.

MC 115826 (Sub-302F) W. J. Digby, Inc., now assigned for hearing June 7, 1979 at Seattle, Washington and will be held in Room 2866, Federal Building, 915 2nd Ave.

MC 138882 (Sub-78F), Wiley Sanders, Inc., now assigned for hearing on July 24, 1979 (1 day), at Nashville, TN, in a hearing room to be later designated.

MC 143625 (Sub-2F), Reunion Transport Company, Inc., now assigned for hearing on July 25, 1979 (3 days), at Nashville, TN, in a hearing room to be later designated.

MC 111545 (Sub-264), Home Transportation Company, Inc., now assigned for hearing on July 30, 1979 (1 week), at Nashville, TN, in a hearing room to be later designated.

37166, Detention Charges on Coal From Oklahoma To Missouri, Via SLSL, now being assigned for Prehearing Conference on June 6, 1979, at the Office of the Interstate Commerce Commission, Washington, D.C.

37157, Petition of The Commuter Operating Agency of the Department of Transportation of the State of New Jersey for Exemption From Certain Jurisdiction of the Interstate Commerce Act 49 U.S.C. 1608)—Petition for Oral Hearings, now being assigned for hearing on July 9, 1979 (1 week), at Newark NJ in a hearing room to be designated later.

MC 61788 (Sub-36F), Georgia-Florida-Alabama Transportation Co., now assigned for hearing on June 4, 1979, at Mobile, AL will be held in Room No. 440, Federal Building & U.S. Courthouse, 113 St. Joseph Street.

MC 2202 (Sub-564F), Roadway Express, Inc., now assigned for hearing on June 18, 1979 (1 week), at Austin, TX, will be held in Room No. 577—5th Floor, Federal Building, 300 East 8th Street.

MC 106644 (Sub-266F), Superior Trucking Company, Inc., now assigned for hearing on June 11, 1979 (5 days), at Detroit, MI, will be held in Room 895, McNamara Federal Building, 477 Michigan Ave.

MC 145339 (Sub-3F), Nebraska Beef Express, Inc., now assigned for hearing on June 18, 1979 (2 days), at Omaha, NE, will be held in Room Mo. 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

MC 108461 (Sub-129F), Sundance Freight Lines, Inc., DBA Sundance Transportation, now assigned for continued hearing on June 25, 1979, at Hobbs, New Mexico, in a hearing room to be later designated.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-17579 Filed 6-5-79; 8:45 am]

BILLING CODE 7035-01-M

[Special Permission No. 79-2450]

Eastern Railroads; Authority To File Master Tariff

Decided May 30, 1979.

By petition dated May 8, 1979, the Traffic Executive Association—Eastern Railroads, Agent, filed on behalf of the Eastern Railroads a special permission application in connection with a proposed "Yo-Yo" rate increase embracing approximately 320 different commodities. The carriers are seeking special permission to publish the increases by means of a master tariff.[1]

The carriers ask for relief from the terms of Rules 4(i), 8(f), 9(a), 9(e), and 54 of Tariff Circular 20, as well as any

[1] Most of the proposed increase are 7 percent, although a few of the proposals involve increases of 3, 4, or 5 percent.

other rules which may be necessary, in order to publish on statutory notice a master tariff of increased rates and charges, implementing the "Yo-Yo" provisions of the Act. The carriers state that the relief sought should also permit amendment of the master tariff from time to time to enable inclusion of additional commodities as may be subsequently approved, as well as broadening territorial application when authorized by the carriers. The railroads state that initial publication will be confined to Official Territory.

The Eastern Railroads submit that they are involved in a major updating program. In light of this updating program and the proposed "Yo-Yo" increases, the carriers concluded that the most expedient method of initial publication would be in the form of a temporary master tariff publishing the proposed increases on the listed commodities.

The so-called "Yo-Yo" provisions of the 4–R Act expired on February 5, 1978, but were reactivated and amended in section 401 of Pub. L. 95–607, The Local Rail Service Assistance Act of 1978. Basically, these provisions limit the Commission's power to suspend proposed rate increases filed pursuant to this section if they are filed prior to July 1, 1980, and if the aggregate of such increases filed pursuant to this section during any calendar year is not greater than 7 percent of the rate in effect on January 1 of that year. Two exceptions to this limitation on the Commission's suspension powers exist under these provisions: (1) a rate change may be suspended under sections 10741 and 10726; or (2) if the carriers are found to have market dominance over the issue traffic. It has been the Commission's policy to encourage flexible rate adjustments of this sort by the railroads.

However, a question exists as to whether the carriers' proposed Yo-Yo increases on 320 commodities is in fact a general increase under the definition in 49 CFR 1102.1; namely, that it is an increase in freight rates or charges, by substantially all carriers by railroad in the United States or in any of the three primary ratemaking territories, applying to a substantial number of commodities, for which the justification is revenue need. Given the Commission's policy of encouraging Yo-Yo rate adjustments, we will leave this question open until after the master tariff has been filed and comments on this question are received. However, the railroads should be made aware that under the Yo-Yo provisions market dominance can be a basis upon which the Commission could suspend a proposed Yo-Yo increase. In this regard, we call the carriers' attention to 49 CFR 1109.1.

The carriers have asked that the relief sought should also permit amendment of the master tariff to enable the inclusion of additional commodities, as well as broadening territorial application. With respect to these requests, we find that they should not be permitted. In addition, we will order below that the master tariff be made to expire 90 days after the effective date of the proposed increases.

It is ordered:

1. The petitioning railroads and water and motor carriers to the extent they have joint rates with the railroads, and their tariff-publishing agents, are authorized to depart from the Commission's tariff publishing rules in Tariff Circular No. 20 (49 CFR 1300), when publishing and filing tariffs, and tariff amendments, to become effective upon not less than 30 days' notice to the Commission and the public, providing for increased rates and charges as set forth in the petition.

(a) By publishing and filing a master tariff of increased rates and charges, and supplements to the master tariff, providing increases by means of conversion tables of rates and charges, which shall include, and maintain in effect, a refund provision reading as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with percent interest.[2]

In the event any increase resulting from the application of the tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with percent interest.[3]

The master tariff shall be conditioned to expire on a date not more than 90 days after the effective date, and all relief granted in this decision expires with that date, which may not be extended or cancelled except upon specific authorization of this Commission.

The master tariff must initially contain all provisions necessary to permit application of every aspect of this proposal. Subsequently, provisions other than those of a general character may be cancelled and transferred to the particular tariff affected upon a common effective date with appropriate notation to that effect in the master tariff.

(b) By publication and filing of a connecting link supplement to each tariff to be made subject to the master tariff, connecting such tariffs with the master. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs).

(c) The master tariff and connecting link supplements issued and filed under this decision shall not provide for nonapplication on interstate traffic competitive with intrastate traffic between the same points unless the interstate rates and routes are specifically identified in the connecting link supplements.

(d) By publication of provisions in tariffs or amendments subjecting rates and charges to the provisions of the master tariff, subject to the restriction in (c) above.

2. Master tariff rules 5 and 7(a) shall be revised as set forth in this paragraph.

Rule 5 is revised to read as follows:

Rates Made by Addition or Deduction of Arbitraries or Differentials

Where a through rate for line-haul transportation is made by the addition or deduction of an arbitrary and where:

(a) both the rate and the arbitrary (or differential) are subject to this tariff, the addition or deduction of such arbitrary (or differential) shall be made before applying the provisions of this tariff;

(b) the rate is subject to this tariff but the arbitrary (or differential) is not subject to this tariff, the provisions of this tariff shall first be applied to the rate before the addition or deduction of such arbitrary;

(c) the rate is not subject to this tariff but the arbitrary (or differential) is subject to this tariff, the provisions of this tariff shall first be applied to the arbitrary (or differential) before the addition or deduction of such arbitrary (or differential).

Rule 7 shall be revised to read as follows:

Rates Composed of Two or More Separately Stated Rates

(a) Subject to (b) through (c) of this rule, where:

(i) a through rate for line-haul transportation is composed of two or more rates; or where:

(ii) the applicable through rate is made by combining separately-stated rates (either in the absence of a single-

[2]The interest rate to be inserted in the refund provision shall be equal to the average yield (on the date such schedule is filed) of marketable securities of the United States which have a duration of 90 days. See Section 10707(d) of the Interstate Commerce Act.

[3]See footnote 2.

factor through rate, or by tariff provision for application of the aggregate of intermediate rates in lieu of a higher single-factor through rate):

the separately-stated rates shall first be totaled without reference to the increases or non-increases provided in this tariff. The resulting sum shall then be increased (or not increased, as the case may be) as provided in this tariff, as if that sum were published as a single-factor through rate applying from origin to destination of the shipment.

Paragraph (f) of Rule 7 shall also be revised to correspond with the above revision.

3. (a) The master tariff, as amended, and all other tariffs and amendments to tariffs, that employ the shortform methods authorized herein shall bear the notation: Form of publication authorized, I.C.C. permission No. 79–2450.

(b) Tariffs or amendments to tariffs publishing specifically increased rates or charges hereunder shall bear a notation reading: Publication made in accordance with I.C.C. permission No. 79–2450.

4. Connecting-link supplements authorized here shall be exempted from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

5. The master tariff filed under this decision shall not be amended except to correct errors and to comply with findings and orders of the Commission, without specific authorization. The terms of rule 9(e) (40 CFR 1300.9(e)) are not waived as to supplements to the master tariff.

6. Tariff publishing agents must furnish a copy of the master tariff to subscribers of all tariffs which are governed by the master tariff. This must be done not later than the date that copies are sent to the Commission. When there is more than one tariff of a subscriber governed by the master tariff, only one copy of the master tariff need be furnished to the subscriber unless additional copies are requested.

7. Outstanding decisions of the Commission are hereby modified only to the extent necessary to permit the filing of tariff publications containing the proposed increases, and all tariff publications filed shall be subject to protest and possible suspension and rejection. In that regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See, for example, *Increased Freight Rates and Charges, 1972*, 341 I.C.C. 288, 336, and *Increased Freight Rates, 1970 and 1971*, 339 I.C.C. 125, 188.

Notice of this Commission decision and the potential filing of the Eastern railroads' proposed Yo-Yo increases will be given by depositing a copy of this decision in the Office of the Secretary of the Commission at Washington, DC, and by filing a copy with the Director, Office of the Federal Register for publication in the Federal Register.

By the Commission. Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham; Clapp and Christian. Commissioner Christian absent and not participating.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-17580 Filed 6-5-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Vol. No. 70]

Permanent Authority Applications; Decision-Notice

Decided May 23, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed.

Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the

issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (July 6, 1979), (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1 Members

H. G. Homme, Jr.,

Secretary.

MC 136246 (Sub-19F), filed February 21, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *grease and tallow*, in bulk, in tank vehicles, from the facilities of John Morrell & Co. at Estherville, IA, to points in IL, MN, MO, NE, SD and WI. (Hearing site: Omaha, NE or Chicago, IL.)

Note.—Dual operations may be involved.

MC 136157 (Sub-115F), filed February 22, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpeting and yarn*, from Fresno, CA, to points in the United States (except AK, HI and CA), restricted to the transportation of traffic originating at the facilities of Berven Carpets Corp. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 139126 (Sub-1F), filed November 28, 1978. Applicant: SOUTHERN CALIFORNIA MOTOR DELIVERY, INC., 633 So. Maple Avenue, P.O. Box 756, Montebello, CA 90640. Representative: W. S. Aylmer (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between those points in Riverside and San Bernardino Counties on, south, and west of a line beginning on CA State Hwy 18 and extending eastwardly to junction Interstate Hwy 15, then southerly along Interstate Hwy 15 to junction Interstate Hwy 10, then along Interstate Hwy 10 to CA State Hwy 86, those in Santa Barbara County on and west of U.S. Hwy 101, those in San Luis Obispo County beginning at the Pacific Ocean and the southern boundary of the county at or near Guadalupe, and extending easterly along the southern boundary to junction with U.S. Hwy 101, then along U.S. Hwy 101 to junction CA State Hwy 1, then along to Morro Bay, and points in Los Angeles, San Diego, Ventura, Kern, Kings, Tulare, and Fresno Counties, CA, restricted to the transportation of traffic having a prior or subsequent movement by rail in shipper-owned trailers or containers. (Hearing site: Los Angeles, CA.)

MC 139906 (Sub-33F), filed February 23, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Petersen, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except commodities in bulk and those which, because of size or weight, require special handling or equipment), from Long Beach and Compton, CA, to points in the United States (except AK and HI). (Hearing site: Lincoln, NE or Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 141776 (Sub-35F), filed February 23, 1979. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, PA 17967. Representative: Pauline E. Myers, Suite 407-Walker Building, 734 15th Street, N.W., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, in vehicles equipped with mechanical refrigeration, from the facilities of the Roman Meal Frozen Foods Company at Decatur, IN, to points in CT, DE, MD, NJ, NY, PA, RI and DC. (Hearing site: Chicago, IL or Syracuse, NY.)

MC 143127 (Sub-26F), filed February 22, 1979. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, from St. Louis, MO, to Rochester, NY. (Hearing site: Rochester or Buffalo, NY.)

Note.—Dual operations may be involved.

MC 143246 (Sub-3F), filed February 21, 1979. Applicant: LAND TRANSPORT CORPORATION, 24 Sabrina Road, Wellesley, MA 02181. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are sold in drug, chain, discount, and department stores (except commodities in bulk, in tank vehicles), between the facilities of Newton Buying Corporation, Beaconway Fabrics, Inc., and American Warehousing Corporation, located in MA, on the one hand, and, on the other, points in MI, WI, MN, MO, MS, AR, LA, AL, TN, KY, GA, FL and WV, under continuing contract(s) with Newton Buying Corporation and Beaconway Fabrics, Inc. of Framingham, MA and American Warehousing Corporation of Boston MA. (Hearing site: Boston, MA or Providence, RI.)

MC 143817 (Sub-1F), filed November 1, 1978. Applicant: R. H. AND NANCI BELLAVANCE, a partnership, 533 N.W. Midland, Grants Pass, OR 97526. Representative: R. H. Bellavance (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *veneer*, from the facilities of Willow Creek, Inc., at or near Willow Creek, CA, to points in Josephine, Jackson, Curry, and Douglas Counties, OR. (Hearing site: Portland, OR, or San Francisco, CA.)

MC 144177 (Sub-1F), filed December 19, 1978. Applicant: BILL'S MOBIL

HOME TRANSPORT, INC., 4900 Laural Road, Billings, MT 59191. Representative: Jerry J. Jones (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers* designed to be drawn by passenger automobiles, and (2) buildings in sections, between points in MT, WY, ND, and SD. (Hearing site: Billings, MT.)

MC 144696 (Sub-5F), filed February 26, 1979. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom Street, Zeeland, MI 49464. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *drugs and toilet articles,* and (2) *materials and supplies* (except in bulk) used in the manufacture and distribution of the above named commodities, between Allegan, MI, on the one hand, and, on the other, AL, AR, AZ, FL, GA, IL, IN, KS, KY, LA, MD, MN, MS, NV, NC, OH, OK, OR, SC, TN, TX, VA, WV and WI, under continuing contract(s) with L. Perrigo Company of Allegan, MI. (Hearing site: Allegan, MI.)

MC 145557 (Sub-2F), filed February 22, 1979. Applicant: LIBERTY TRANSPORT, INC., 4614 South 40th Street, St. Joseph, MO 64503. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer and fertilizer ingredients,* from the facilities of the Brunswick River Terminal at or near Brunswick, MO, to points in AR, IL, IN, IA, KS, KY, NE, OK, and TN. (Hearing site: Kansas City, MO.)

MC 145767F, filed November 14, 1978. Applicant: ROLLING ROCK BUILDING STONE, INC., R.D. No. 4, Boyertown, PA 19512. Representative: John J. Murphy, 40 North Reading Avenue, Boyertown, PA 19512. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prefabricated metal buildings,* from points in GA, IL, and MO to points in AZ, CO, KS, MT, NE, NM, and PA, under continuing contract(s) with Hoesch America, Inc., of Atlanta, GA. (Hearing site: Philadelphia, or Harrisburg, PA.)

MC 146107F, filed December 18, 1978. Applicant: JERRY E. JOHNSON, 4173 E. Brentwood, Fresno, CA 93703. Representative: Susan W. Carlson, 1215 Norton Building, Seattle, WA 98104. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *shakes, shingles,* and *ridges,* from points in WA and those points in OR on and west of U.S. Hwy 97 to points in CA and AZ. (Hearing site: Seattle, WA.)

MC 146447 (Sub-2F), filed February 23, 1979. Applicant: TANBAC, INC., P.O. Box 593278, Miami, FL 33159. Representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper board, and paper products and materials, supplies and equipment* used in the manufacture and distribution of the above named commodities (except in bulk), between the facilities of Simkins Industries, Inc., at points in the United States (except HI), under continuing contract(s) with Simkins Industries, Inc., of New Haven, CT. (Hearing site: Hartford, CT or Boston, MA.)

MC 10436 (Sub-2F), filed February 23, 1979. Applicant: NORTH MANCHESTER TRUCKING CO., INC., P.O. Box 268, North Manchester, IN 46962. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Wayne, IN and Wabash, IN: (1) from Fort Wayne, IN over U.S. Hwy 24 to IN Hwy 114, over IN Hwy 114 to IN Hwy 13, over IN Hwy 13 to Wabash, IN, and return over the same route, serving all intermediate points; and (2) from Fort Wayne, IN over Hwy 24 to Wabash, IN, and return the same route, serving all intermediate points. RESTRICTION: Service at Huntington, IN is restricted to traffic having a prior or subsequent movement by rail. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 41406 (Sub-87F), filed August 16, 1978, previously noticed in the Federal Register issue of November 2, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, IN 46323. Representative: Alki E. Scopelitis, 1301 Merchant Plaza, Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials* and *roofing materials,* and (2) *materials and supplies* used in the installation of the commodities named in (1) above, (except commodities in bulk), between the facilities of Bird & Son, Inc., at Chicago, IL, on the one hand, and, on the other, points in AR, KS, KY, IA, MI, MN, MO, NE, ND, OH, OK, SD, and WI. NOTE: This republication is to show AR in the territorial description. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 59206 (Sub-24F), filed February 22, 1979. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th Street, Holland, MI 49423. Representative: Kenneth De Vries (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Grand Rapids, MI and Lansing, MI over I-96 for operating convenience only serving no intermediate points. (Hearing site: Lansing, MI.)

MC 60186 (Sub-59F), filed December 26, 1978. Applicant: NELSON FREIGHTWAYS, INC., P.O. Box 356, Rockville, CT 06066. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20423. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products,* from Plattsburg and Lyons Falls, NY, to points in DE, MD, OH, PA, VA, WV, and DC, (2) from Brattleboro and Gilman, VT, to points in DE, MD, NJ, NY, OH, PA, VA, WV, and DC, (3) from Woodland, Brewer, Madawaska, and Rumford, ME, to points in OH, VA, and WV, (4) from the facilities of International Paper Co., at or near (a) Ticonderoga and Corinth, NY, to points in DE, MD, OH, PA, VA, WV, and DC, and (b) Jay, ME, to points in OH, VA, and WV. (Hearing site: Boston, MA.)

MC 61396 (Sub-366F), filed February 23, 1979. Applicant: HERMAN BROS, INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Representative: Duane L. Stromer (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement,* from West Winfield, PA, to points in MD, NY, OH and WV. (Hearing site: Pittsburgh, PA or Omaha, NE.)

Note.—Dual operations may be involved.

MC 66886 (Sub-73F), filed February 22, 1979. Appliant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street,

Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery, equipment and supplies* used in heavy construction, excavating, mining, road building, and logging, between the facilities of Dart Truck Company, at or near Kansas City, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 67866 (Sub-36F), filed July 31, 1978, previously noticed in the Federal Register issues of December 5, 1978, and January 16, 1979. Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN 38118. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between those points in OK on and east of a line beginning at the OK–TX State line and extending along U.S. Hwy 277 to junction U.S. Hwy 81, then north along U.S. Hwy 81 to the OK–KS State line, on the one hand, and, on the other, Lilbourn, MO, points in LA, AR, MS, those in KY on and west of a line beginning at the IL–KY State line and extending along U.S. Hwy 68 to junction U.S. Hwy 641, then along U.S. Hwy 641 to the KY–TN State line, those in TN, on and west of a line beginning at the KY–TN State line and extending along U.S. Hwy 31W to Nashville, then along U.S. Hwy 31 to Columbia, then along TN Hwy 50 to Lewisburg, then along U.S. Hwy 431 to the TN–AL State line, those in AL, on west, and north of a line beginning at the TN–AL State line and extending along AL Hwy 17 to Hamilton, then over U.S. Hwy 78 to the AL–MS State line, and those in MO on and south of a line beginning at the AR–MO State line and extending along U.S. Hwy 62 to New Madrid and the Mississippi River, restricted against the transportation of (1) any package or article weighing more than 70 pounds, or exceeding 96 inches in length, or 150 inches in length and girth combined, and (2) packages or articles weighing in the aggregate more than (200) pounds from one consignor to one consignee on any one day. (Hearing site: Memphis, TN, or Little Rock, AR.)

Note.—The person or persons who appear to be engaged in common control between applicant and Carolina Delivery Service Company, Inc., must file an application under 49 U.S.C. 11343(a) (formerly section 5(2)) of the Interstate Commerce Act, or submit an affidavit indicating why such approval in unnecessary.

Note.—This republication is to correctly rearrange the highway descriptions involving KY and TN.

MC 95876 (Sub-271F), filed February 26, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aircraft ground support equipment*, from Litchfield and Minneapolis-St. Paul, MN and Fargo, ND, to points in the United States (except AK and HI). (Hearing site: St. Paul, MN or Chicago, IL.)

MC 99946 (Sub-2F), filed November 30, 1978. Applicant: BASIC MATERIALS TRANSPORT, a corporation, 7080 Florin-Perkins Road, Sacramento, CA 95828. Representative: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Sacramento and Auburn, CA, over Interstate Hwy 80, serving the off-route and intermediate points of Citrus Heights, Rocklin, Loomis, Penryn, and Newcastle, CA, (2) between Auburn and Coloma, CA, over CA State Hwy 49, (3) between CA State Hwy 49 at or near Coloma, and Lotus, CA, over an unnumbered county road, (4) between CA State Hwy 49 and Foresthill, CA, over an unnumbered county road (Auburn-Foresthill Road), (5) between CA State Hwy 49 at or near Cool, CA, and Georgetown, CA, over CA State Hwy 193, (6) between Georgetown, CA, and junction CA State Hwys 193 and 49, over CA Hwy 193, and (7) between Sacramento, and Placerville, CA, over U.S. Hwy 50, as an alternate route for operating convenience only, serving no intermediate points. (Hearing site: Sacramento, CA.)

Note.—This application is to convert applicant's certificate of registration in MC 99946 (Sub-1) to a certificate of public convenience and necessity. Issuance of a certificate here is conditioned upon coincidental cancellation at applicant's written request of the above described certificate at registration.

MC 100666 (Sub-438F), filed February 22, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *composition board, gypsum board, paneling, particleboard, plywood and molding*, from the facilities of Pan American Gyro-Tex Co. at or near Jacksonville and Jasper, FL, to points in IL, IN, IA, MN, NE, OH, and WI. (Hearing site: Jacksonville, FL.)

MC 100666 (Sub-439F), filed February 23, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *composition board and building materials*, from the plantsite of National Gypsum Company at Newark, OH, to those points in the United States in and west of AR, LA, MS, OK, KS, CO, WY, and MT. (Hearing site: Dallas, TX.)

MC 106647 (Sub-45F), filed February 22, 1979. Applicant: CLARK TRANSPORT COMPANY, INC., R.R. No. 1, Box 14C, Jct. Rtes. 83 and 30, Chicago Heights, IL 60411. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicles*, in truck-away service, from Chicago, IL, to points in MI. (Hearing site: Chicago, IL or Detroit, MI.)

MC 109376 (Sub-12F), filed February 23, 1979. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ferrous gates, risers, and scrap castings*, from the facilities of Grede Foundries, Inc. at or near Reedsburg, WI, to the facilities of Grede Foundries, Inc. at or near Kingsford, MI. (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 113106 (Sub-69F), filed February 23, 1979. Applicant: THE BLUE

DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (a) *containers, container ends and closures,* (b) *commodities* manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers, and (c) *material, equipment and supplies* used in the manufacture and distribution of the commodities named in (a) above, between those points in the United States in and east of MN, IA, MO, AR and LA, restricted (1) against the transportation of commodities in bulk, in tank vehicles, and (2) to apply on shipments originating at or destined to a Brockway Glass Company, Inc. facility. (Hearing site: Washington, DC.)

MC 113646 (Sub-18F), filed February 23, 1979. Applicant: JEFFERSON TRUCKING COMPANY, P.O. Box 17, National City, MI 48748. Representative: Willam B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, and materials and supplies* used in the manufacture, distribution and installation of the aforenamed commodities (except commodities in bulk), between Newark, OH, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, LA, MS, OK, NE, ND, SC and SD, under a continuing contract(s) with National Gypsum Company of Charlotte, NC. (Hearing site: Charlotte, NC.)

MC 116996 (Sub-13F), filed October 13, 1978. Applicant: B & B CARRIERS, INC., P.O. Box 160, W. Main Street, Honey Brook, PA 19344. Representative: Sally Martin, P.O. Box 66, R.D. No. 1, East Earl, PA 17510. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crushed stone and diamond tex,* from Paradise, PA, to those points in MD on the Delmarva Peninsula, and those east of U.S. Hwy 15 and north of Interstate HWy 70 and Baltimore MD those points in NJ on and south of NJ Hwy 33, and points in DE, under continuing contract(s) with Diamond Tex., Inc., of Honey Brook, PA, Compass Quarries, Inc., of Paradise, PA, and International Mill Service of Philadelphia, PA. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 117686 (Sub-242F), filed February 22, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Representative: Robert A. Wichser (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *artificial turf, neoprene foam padding, and floor coverings, and* (2) *materials and supplies* used in the installation, manufacture, and distribution of the above-named commodities when moving in mixed shipments with the commodities in (1) (except in bulk), from LaGrange, GA, to points in IA. (Hearing site: Omaha, NE or Atlanta, GA.)

Note.—Dual operations may be involved.

MC 117786 (Sub-31F), filed August 31, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products, fiberboard, pulpboard,* and *plastic articles,* from Bridgeview, IL, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing site: Chicago, IL.)

MC 119656 (Sub-53F), filed February 22, 1979. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from the facilities of Republic Steel Corp. at Cleveland, Elyria, Youngstown, Warren, Canton, Massillion, and Niles, Oh, to points in IL, IN and MI. (Hearing site: Columbia, OH.)

MC 123407 (Sub-516F), filed January 2, 1979. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *material fiberboard, wood fiberboard, gypsum board, and acoustical materials,* from Hagerstown, MD, to points in the United States (except AK and HI) and (2) *equipment, materials, and supplies* used in the manufacture of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: Chicago, IL.)

MC 123407 (Sub-519F), filed January 2, 1979. Applicant: SAWYER TRANSPORT, INC., a Minnesota corporation, South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials,* from the facilities of GAF Corporation, at (a) Annapolis, MO, (b) Dallas, TX, (c) Baltimore, MD, (d) Mobile, AL, and (e) points in Posey and Vandenburg Counties, IN, to those points in the United States in and east of MT, WY, CO, NM, and TX. (Hearing site: Washington, DC.)

MC 130536F, filed October 25, 1978. Applicant: MERRILL LYNCH RELOCATION MANAGEMENT, INC., Four Corporate Park Drive, White Plains, NY 10604. Representative: Jeffrey A. Arouh, 430 Park Avenue, New York, NY 10022. To engage in operation, in interstate or foreign commerce, as a broker, at White Plains, NY, in arranging for the transportation, by motor vehicle, of used household goods, recreational vehicles, automobiles, pets and trailers, between points in the United States, including AK and HI. (Hearing site: New York, NY, or Philadelphia, PA.)

MC 133796 (Sub-55F), filed February 22, 1979. Applicant: GEORGE APPEL TRUCKING, INC., 249 Carverton Road, Trucksville, PA 18708. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles), from New Paltz, NY, to points in CA, TX, GA, IL and MI. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 135197 (Sub-20F), filed December 12, 1978. Applicant: LEESER TRANSPORTATION, INC., P.O. Box 545, Palmyra, MO 63461. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal and poultry feeds,* and *plant growth regulants,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except liquids in bulk), between points in IL, IN, IA, MN, MO, and NE, restricted to the transportation of traffic originating at or destined to the facilities

of American Cyanamid Company. (Hearing site: St. Louis, MO.)

MC 135797 (Sub-183F), filed February 21, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *molding,* from Turlock, CA and Douglas, AZ, to Dallas, TX. (Hearing site: Dallas, TX.)

MC 135797 (Sub-187F), filed February 23, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *leisure furniture,* and *parts and accessories for leisure furniture,* from points in CA, to points in IN, NJ, NC, TX and WI. (Hearing site: Los Angeles, CA.)

MC 121597 (Sub-6F), filed January 19, 1979. Applicant: CHICKASAW MOTOR LINE, INC., 531 Woodycrest Avenue, Nashville, TN 37211. Representative: James Clarence Evans (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville, TN, and Whiteville, TN, over TN State Hwy 100, serving no intermediate points.(Hearing site: Nashville, TN.)

Notes.—(1) Applicant indicates intention to tack with existing authority.

(2) Applicant seeks to remove restriction against tacking or joinder with any other authority imposed in MC 121597 Sub. 3.

[FR Doc. 79-17581 Filed 6-5-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 110
Wednesday, June 6, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1095-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Tuesday, June 5, 1979.

CHANGE IN THE MEETING: The following matter is added to the agenda for the open portion of the meeting:

Request for Additional Funds to Award Contracts to Establish Five Litigation Support Centers.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

IN FAVOR OF CHANGE: Eleanor Holmes Norton, Chair, Daniel E. Leach, Vice Chair, Ethel Bent Walsh, Commissioner, Armando M. Rodriguez, Commissioner, J. Clay Smith, Jr., Commissioner.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued June 1, 1979.

[S-1120-79 Filed 6-4-79; 12:37 pm]

BILLING CODE 6570-06-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Wednesday, June 6, 1979.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW, Washington, DC 20506.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Proposed instructions for Federal Agency Affirmative Action Programs.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required that this meeting be held and that no earlier announcement was possible.

IN FAVOR OF HOLDING MEETING: Eleanor Holmes Norton, Chair, Daniel E. Leach, Vice Chair, Ethel Bent Walsh, Commissioner, Armando M. Rodriguez, Commissioner, J. Clay Smith, Jr. Commissioner.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued June 1, 1979.

[S-1121-79 Filed 6-4-79; 12:37 pm]

BILLING CODE 6570-06-M

3

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: May 31, 1979, 44 FR 31387.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: June 1, 1979, 10:30 a.m.

CHANGE IN THE MEETING: Time of the meeting changed from 10:30 a.m. to 9:30 a.m. on June 1, 1979.

[S-1119-79 Filed 6-4-79; 12:07 pm]

BILLING CODE 6730-01-M

4

FOREIGN CLAIMS SETTLEMENT COMMISSION.

F.C.S.C. Meeting Notice No. 5-79, Notice of Meetings, Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wednesday, June 13, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Wednesday, June 20, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Wednesday, June 27, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111-20th Street, N.W.; Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111-20th Street, N.W., Washington, D.C. 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C. on June 1, 1979.

Francis T. Masterson,

Executive Director.

[S-1122-79 Filed 6-4-79; 3:53 pm]

BILLING CODE 6770-01-M

5

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published]

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, May 22, and May 29, 1979.

CHANGES IN MEETING: Deletion/ Additional items.

The following item scheduled for considered at a closed meeting on Wednesday, May 30, 1979, following the 10 a.m. open meeting has been rescheduled for Tuesday, June 5, 1979, following the 10 a.m. open meeting:

Institution of injunctive action

The following additional item was considered at a closing meeting on Wednesday, May 30, 1979, following the 10 a.m. open meetings:

Regulatory matter bearing enforcement implications.

The following additional items will be considered at a closed meeting on Tuesday, June 5, 1979, following the 10 a.m. open meeting:

Settlement of administrative proceedings of an enforcement nature
Authorization to institute enforcement action.

The following additional items will be considered at a closed meeting on Wednesday, June 6, 1979, at 10 a.m.:

Institution of injunctive action.
Other litigation matter.

Chairman Williams and Commissioners Loomis, Pollack and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

June 1, 1979.

[S-1118-79 Filed 6-4-79; 10:50 am]

BILLING CODE 8010-01-M

Federal Register

Wednesday
June 6, 1979

Part II

Department of Housing and Urban Development

Assistant Secretary for Housing—Federal Housing Commissioner

Prototype Cost Limits for Low-Income Public Housing

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 841

[Docket No. N-79-931]

Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Prototype Cost Determinations Under 24 CFR, Part 841, Appendix A.

SUMMARY: This Notice establishes prototype limits for development of Public Housing and Indian Housing new construction projects under the United States Housing Act of 1937. The prototype cost determinations stated in this Notice supersede the prototype cost schedules published on June 22, 1978, and all amendments and additions to such schedules, published prior to the date of this Notice.

EFFECTIVE DATE: June 6, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing, Room 6282, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-4956. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. This determination must be made at least once a year, and must be published in the Federal Register. The prototype costs constitute a limit on development cost for construction and equipment of new public housing projects including Indian projects.

The schedules in this Notice establish the 1979 update of per unit prototype cost limits for development of public housing under 24 CFR Part 841 (see § 841.115(b)(2)), and of Indian Housing under 24 CFR Part 805 (see §§ 805.213 and 805.214(b)).

The prototype cost determinations are based on data supplied by the HUD Field Offices and by the public.

Where prototype schedules are established for special Indian prototype cost areas in accordance with 24 CFR 805.213, the prototype cost limits apply only for development of Indian Housing (these special areas are identified by an asterisk(*) on the schedules).

Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon the date of publication in the Federal Register, and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the local HUD office. A list of these offices follow:

Region I

Connecticut, Hartford, 06103, One Financial Plaza.
Massachusetts, Boston, 02114, Bulfinch Bldg., 15 New Chardon Street.
New Hampshire, Manchester, 03103, Norris-Cotton Federal Bldg., 5th Floor, 275 Chestnut Street.
Rhode Island, Providence, 02903, 300 Post Office Annex.

Region II

New Jersey, Newark, 07102, 1 Raymond Plaza, Gateway Bldg.
New York, Buffalo, 14202, Statler Buiding, Suite 800, 107 Delaware Ave.
New York, New York, 10007, 26 Federal Plaza.
Puerto Rico, San Juan, 00918, Caribbean Area Office, New Federal Bldg. and Courthouse Avenue, GPO Box 3869, Hato Rey, P.R. 00917.

Region III

District of Columbia, Washington 20009, Universal North Bldg., 1875 Connecticut Avenue NW.
Maryland, Baltimore, 21201, 2 Hopkins Plaza, Mercantile Bank and Trust Building.
Pennsylvania, Philadelphia, 19106, Curtis Building, 625 Walnut Street.
Pennsylvania, Pittsburgh, 15212, 2 Allegheny Center.
Virginia, Richmond, 23219, 701 East Franklin Street.
West Virginia, Charleston, 25301, New Federal Buiding, 500 Quarrier Street.

Region IV

Alabama, Birmingham, 35233, Daniel Building, 15 South 20th Street.
Florida, Jacksonville, 32204, Peninsula Plaza, 661 Riverside Avenue.
Georgia, Atlanta, 30303, Peachtree Center Building, 230 Peachtree Street, NW.
Kentucky, Louisville, 40201, Children's Hospital Foundation Building, 601 South Floyd Street.
Mississippi, Jackson, 39213, 101 C Third Floor, Jackson Mall, 300 Woodrow Wilson Avenue West.
North Carolina, Greensboro, 27401, 415 North Edgewood Street.
South Carolina, Columbia, 29201, 1801 Main Street, Jefferson Square.
Tennessee, Nashville, 37203, U.S. Courthouse Federal Annex Bldg., 801 Broadway.
Tennessee, Knoxville, 37919, 1 Northshore Bldg., 1111 Northshore Drive.

Region V

Illinois, Chicago, 60602, 1 North Dearborn Street.
Indiana, Indianapolis, 46207, 151 North Delaware Street.
Michigan, Detroit, 48226, 15th Floor, McNamara Building, 477 Michigan Ave.
Michigan, Grand Rapids, 49505, 2922 Fuller Avenue NE.
Minnesota, Minneapolis-St. Paul, 55435, 6400 France Avenue South.
Ohio, Columbus, 43215, New Federal Office Building, 200 North High Street.
Ohio, Cleveland, 44114, 777 Rockwell Avenue, Second Floor.
Wisconsin, Milwaukee, 53203, 744 North Fourth Street.

Region VI

Arkansas, Little Rock, 72201, Union National Bank Building, 1 Union National Plaza.
Louisiana, New Orleans, 70113, Plaza Tower, 1001 Howard Avenue.
Oklahoma, Oklahoma City, 73102, Murrah Federal Bldg., 200 NW 5th Street.
Texas, Dallas, 75201, 200 Bryan Tower.
Texas, Houston, 77046, Two Greenway Plaza East, Suite 200.
Texas, San Antonio, 78285, Kallison Bldg., 410 South Main Ave., P.O. Box 9163.

Region VII

Iowa, Des Moines, 50309, 210 Walnut Street, Room 259.
Kansas, Kansas City, 66117, 2 Gateway Center, Fourth and State Streets.
Missouri, St. Louis, 63101, 210 North 12th Street.
Nebraska, Omaha, 68106, Univac Bldg., 7100 West Center Road.

Region VIII

Colorado, Denver, 80202, Executive Tower Bldg., 1405 Curtis Street.

Region IX

California, Los Angeles, 90057, 2500 Wilshire Boulevard.
California, Sacramento, 95809, 801 I Street, P.O. Box 1978.
California, San Francisco, 94111, 1 Embarcadero Center, Suite 1600.
Hawaii, Honolulu, 96850, Prince Jonah Kuhio Kalanianaole Federal Bldg., 300 Ala Moana Boulevard, Suite 3318

Region X

Alaska, Anchorage, 99501, 334 West 5th Avenue.
Oregon, Portland, 97204, Cascade Building, 520 SW Sixth Avenue.
Washington, Seattle, 98101, 403 Arcade Plaza Building, 1321 Second Ave.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of

the Rules Docket Clerk, Office of the General Counsel, Room 5218, 451 7th Street, SW, Washington, D.C. 20410.

Accordingly, the prototype per unit costs schedules for all prototype cost areas, issued under 24 CFR, Part 841, Appendix A, Prototype Cost Limits for Low-Income Public Housing, are hereby established as shown on the tables set forth hereinafter entitled "Prototype Per Unit Cost Schedule—Regions I through X."

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) of the U.S. Housing Act of 1937, 42 U.S.C. 1437(d))

Issued at Washington, D.C., May 25, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

BILLING CODE 4210-01-M

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I							
CONNECTICUT							
HARTFORD :							
DETACHED AND SEMIDETACHED	25,200	30,100	33,100	39,700	47,800	53,200	55,650
ROW DWELLINGS	23,850	28,400	31,750	37,700	45,250	50,450	52,850
WALKUP	20,500	25,350	28,600	34,150	39,300	43,300	45,400
ELEVATOR-STRUCTURE	22,900	26,550	33,700	------	------	------	------
DANBURY :							
DETACHED AND SEMIDETACHED	26,250	31,350	34,650	41,500	49,800	55,400	58,100
ROW DWELLINGS	24,850	29,650	33,050	39,250	47,300	52,700	55,100
WALKUP	20,150	24,850	28,150	33,300	38,400	42,550	44,500
ELEVATOR-STRUCTURE	22,400	26,100	33,000	------	------	------	------
NEW MILFORD :							
DETACHED AND SEMIDETACHED	24,000	28,700	31,750	37,950	45,700	50,800	53,200
ROW DWELLINGS	22,800	27,200	30,250	36,050	43,350	48,300	50,350
WALKUP	19,600	24,200	27,450	32,550	37,400	41,500	43,400
ELEVATOR-STRUCTURE	22,450	26,100	33,000	------	------	------	------
NEW HAVEN :							
DETACHED AND SEMIDETACHED	24,000	28,750	31,650	37,950	45,800	50,900	53,200
ROW DWELLINGS	22,700	27,200	30,250	36,050	43,350	48,300	50,450
WALKUP	19,600	24,200	27,300	32,700	37,650	41,500	43,400
ELEVATOR-STRUCTURE	21,150	24,550	31,200	------	------	------	------
BRIDGEPORT :							
DETACHED AND SEMIDETACHED	24,000	28,700	31,750	37,950	45,700	50,800	53,200
ROW DWELLINGS	22,800	27,200	30,250	36,050	43,350	48,300	50,350
WALKUP	19,100	23,500	26,750	31,600	36,550	40,400	42,250
ELEVATOR-STRUCTURE	20,250	23,550	29,800	------	------	------	------
NEW LONDON :							
DETACHED AND SEMIDETACHED	24,550	29,450	32,500	38,700	47,000	52,200	54,500
ROW DWELLINGS	23,100	27,750	31,000	36,950	44,350	49,550	51,800
WALKUP	19,000	22,450	25,450	30,250	34,950	38,600	40,500
ELEVATOR-STRUCTURE	22,150	25,750	32,800	------	------	------	------
WINDHAM :							
DETACHED AND SEMIDETACHED	24,550	29,450	32,500	38,700	47,000	52,200	54,500
ROW DWELLINGS	23,100	27,750	31,000	36,950	44,350	49,550	51,800
WALKUP	20,850	24,650	28,000	33,150	38,400	42,400	44,500
ELEVATOR-STRUCTURE	21,800	25,350	32,200	------	------	------	------
STAMFORD :							
DETACHED AND SEMIDETACHED	30,100	36,100	39,850	47,700	57,600	63,700	66,900
ROW DWELLINGS	28,500	34,050	38,050	45,150	54,450	60,750	63,400
WALKUP	24,550	30,350	34,350	40,750	47,200	52,000	54,650
ELEVATOR-STRUCTURE	21,750	25,300	32,100	------	------	------	------
RIDGEFIELD :							
DETACHED AND SEMIDETACHED	30,100	36,100	39,850	47,700	57,600	63,700	66,900
ROW DWELLINGS	28,500	34,050	38,050	45,150	54,450	60,750	63,400
WALKUP	24,550	30,350	34,350	40,750	47,200	52,000	54,650
ELEVATOR-STRUCTURE	24,400	28,350	36,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
CONNECTICUT --CONTINUED							
NORWICH :							
DETACHED AND SEMIDETACHED	24,050	29,000	32,000	38,150	46,000	51,200	53,600
ROW DWELLINGS	22,850	27,350	30,550	36,200	43,500	48,650	50,600
WALKUP	19,700	24,250	27,600	32,750	37,700	41,600	43,550
ELEVATOR-STRUCTURE	22,150	25,750	32,800	------	------	------	------
* MASHANTUCKET :							
DETACHED AND SEMIDETACHED	27,900	33,400	36,850	44,000	53,150	59,050	61,850
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
MAINE							
BANGOR :							
DETACHED AND SEMIDETACHED	25,150	30,150	31,800	37,850	45,650	50,600	52,800
ROW DWELLINGS	22,750	27,150	30,050	35,950	43,250	48,000	50,250
WALKUP	19,600	24,300	27,650	32,550	37,900	41,600	43,800
ELEVATOR-STRUCTURE	24,150	28,150	35,550	------	------	------	------
* OLD TOWN :							
DETACHED AND SEMIDETACHED	19,500	23,350	24,650	29,350	35,350	39,200	40,900
ROW DWELLINGS	19,250	22,950	25,450	30,400	36,600	40,650	42,550
WALKUP	18,550	22,950	26,200	30,800	35,850	39,350	41,450
ELEVATOR-STRUCTURE	29,550	34,500	43,550	------	------	------	------
AUGUSTA :							
DETACHED AND SEMIDETACHED	25,950	30,850	34,150	41,050	49,250	54,800	57,150
ROW DWELLINGS	23,400	27,800	31,000	37,150	44,600	49,650	51,750
WALKUP	20,250	25,050	28,650	33,650	39,150	43,050	45,250
ELEVATOR-STRUCTURE	25,000	29,100	36,800	------	------	------	------
BRUNSWICK :							
DETACHED AND SEMIDETACHED	25,800	30,700	33,850	40,550	48,900	54,200	56,800
ROW DWELLINGS	23,100	27,600	30,800	36,750	44,300	49,050	51,350
WALKUP	20,000	24,650	28,300	33,400	38,750	42,400	44,850
ELEVATOR-STRUCTURE	24,650	28,750	36,300	------	------	------	------
* CALAIS :							
DETACHED AND SEMIDETACHED	21,400	25,450	28,200	33,600	40,550	45,150	47,250
ROW DWELLINGS	20,650	25,100	27,950	33,500	40,250	44,550	46,650
WALKUP	20,400	25,100	28,750	33,950	39,350	43,050	45,550
ELEVATOR-STRUCTURE	32,400	37,750	47,500	------	------	------	------
LEWISTON :							
DETACHED AND SEMIDETACHED	25,800	30,700	33,850	40,550	48,900	54,200	56,800
ROW DWELLINGS	23,100	27,600	30,800	36,750	44,300	49,050	51,350
WALKUP	20,000	24,650	28,300	33,400	38,750	42,400	44,850
ELEVATOR-STRUCTURE	24,650	28,750	36,300	------	------	------	------
PORTLAND :							
DETACHED AND SEMIDETACHED	25,800	30,700	33,850	40,550	48,900	54,200	56,800
ROW DWELLINGS	23,100	27,600	30,800	36,750	44,300	49,050	51,350
WALKUP	20,300	25,150	28,700	33,900	39,400	43,150	45,500
ELEVATOR-STRUCTURE	24,850	28,900	36,550	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
MAINE --CONTINUED							
WATERVILLE :							
DETACHED AND SEMIDETACHED	24,900	29,650	32,750	39,350	47,350	52,450	54,850
ROW DWELLINGS	22,600	26,850	29,750	35,550	42,950	47,650	49,800
WALKUP	19,400	24,100	27,400	32,300	37,450	41,150	43,350
ELEVATOR-STRUCTURE	23,800	27,850	35,100	------	------	------	------
MASSACHUSETTS							
BOSTON :							
DETACHED AND SEMIDETACHED	22,350	28,500	29,350	35,150	42,250	46,950	49,150
ROW DWELLINGS	21,100	25,200	28,000	33,400	40,300	44,800	46,800
WALKUP	19,100	22,850	25,250	30,200	36,400	40,350	42,300
ELEVATOR-STRUCTURE	32,750	38,050	48,200	------	------	------	------
CAPE COD :							
DETACHED AND SEMIDETACHED	21,350	25,400	28,000	33,500	40,450	44,700	46,950
ROW DWELLINGS	19,650	23,300	26,050	31,000	37,300	41,550	43,400
WALKUP	17,600	21,000	23,500	27,850	33,800	37,500	39,200
ELEVATOR-STRUCTURE	31,200	36,350	45,900	------	------	------	------
PITTSFIELD :							
DETACHED AND SEMIDETACHED	21,050	25,100	27,850	33,350	40,000	44,400	46,550
ROW DWELLINGS	19,950	23,750	26,550	31,550	38,000	42,250	44,100
WALKUP	18,150	21,500	23,900	28,450	34,400	38,150	39,950
ELEVATOR-STRUCTURE	29,650	34,350	43,750	------	------	------	------
SPRINGFIELD :							
DETACHED AND SEMIDETACHED	21,050	25,100	27,800	33,400	40,100	44,600	46,700
ROW DWELLINGS	19,450	23,250	25,800	30,850	37,050	41,250	42,950
WALKUP	17,050	20,350	22,400	26,950	32,450	36,050	37,750
ELEVATOR-STRUCTURE	32,750	38,250	48,150	------	------	------	------
WORCHESTER :							
DETACHED AND SEMIDETACHED	21,450	25,500	28,300	33,750	40,750	45,250	47,400
ROW DWELLINGS	20,400	24,350	27,050	32,200	38,850	43,150	45,050
WALKUP	17,800	21,500	23,850	28,250	34,150	37,900	39,750
ELEVATOR-STRUCTURE	31,800	37,250	46,950	------	------	------	------
FALL RIVER :							
DETACHED AND SEMIDETACHED	20,850	24,950	27,650	32,950	39,700	44,200	46,150
ROW DWELLINGS	18,650	22,150	24,750	29,500	35,400	39,450	41,250
WALKUP	17,650	20,800	23,400	27,850	33,700	37,450	39,150
ELEVATOR-STRUCTURE	30,600	35,600	45,100	------	------	------	------
LOWELL :							
DETACHED AND SEMIDETACHED	21,750	26,050	28,900	34,500	41,500	46,050	48,350
ROW DWELLINGS	20,350	24,150	26,750	32,000	38,400	42,750	44,650
WALKUP	18,250	21,650	24,050	28,750	34,550	38,450	40,350
ELEVATOR-STRUCTURE	31,900	37,300	47,150	------	------	------	------
SALEM :							
DETACHED AND SEMIDETACHED	21,150	25,300	27,950	33,450	40,300	44,650	46,900
ROW DWELLINGS	19,650	23,300	25,950	30,900	37,200	41,450	43,250
WALKUP	17,600	21,100	23,450	28,000	33,800	37,500	39,200
ELEVATOR-STRUCTURE	30,450	35,550	44,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
NEW HAMPSHIRE							
MANCHESTER :							
DETACHED AND SEMIDETACHED	22,800	28,350	31,250	37,500	44,950	50,050	52,600
ROW DWELLINGS	22,450	27,100	30,050	35,650	42,900	47,900	49,950
WALKUP	19,300	24,000	27,300	32,250	37,350	40,950	43,150
ELEVATOR-STRUCTURE	23,600	27,500	34,700	------	------	------	------
CONCORD :							
DETACHED AND SEMIDETACHED	24,550	30,450	33,650	40,100	48,150	53,650	56,350
ROW DWELLINGS	23,950	28,850	32,100	38,050	46,000	51,100	53,300
WALKUP	20,150	25,050	28,400	33,600	38,950	42,700	45,050
ELEVATOR-STRUCTURE	25,250	29,500	37,200	------	------	------	------
DOVER :							
DETACHED AND SEMIDETACHED	22,150	27,300	30,300	36,150	43,350	48,350	50,750
ROW DWELLINGS	21,750	26,150	29,100	34,500	41,500	46,200	48,250
WALKUP	18,600	23,000	26,300	31,150	38,900	43,300	44,600
ELEVATOR-STRUCTURE	22,800	26,450	33,450	------	------	------	------
KEENE :							
DETACHED AND SEMIDETACHED	23,400	29,050	32,050	38,350	46,000	51,150	53,800
ROW DWELLINGS	22,950	27,650	30,750	36,550	44,000	49,250	51,150
WALKUP	19,800	24,450	27,800	33,100	38,300	41,950	44,000
ELEVATOR-STRUCTURE	23,300	28,100	35,500	------	------	------	------
NASHUA :							
DETACHED AND SEMIDETACHED	22,800	28,350	31,250	37,500	44,950	50,050	52,600
ROW DWELLINGS	22,450	27,100	30,050	35,650	42,900	47,900	49,950
WALKUP	19,900	24,550	28,100	33,100	38,350	42,250	44,400
ELEVATOR-STRUCTURE	23,600	27,500	34,600	------	------	------	------
PORTSMOUTH :							
DETACHED AND SEMIDETACHED	24,000	29,600	32,750	39,250	47,200	52,450	55,050
ROW DWELLINGS	23,600	28,300	31,550	37,450	44,900	50,000	52,400
WALKUP	17,350	21,550	24,550	29,050	33,500	36,800	38,700
ELEVATOR-STRUCTURE	24,700	28,700	36,350	------	------	------	------
RHODE ISLAND							
PROVIDENCE :							
DETACHED AND SEMIDETACHED	18,600	22,400	24,800	29,450	35,600	39,500	41,300
ROW DWELLINGS	17,750	20,950	23,450	28,000	33,650	37,400	39,100
WALKUP	18,100	21,400	23,950	28,600	34,500	38,300	40,150
ELEVATOR-STRUCTURE	21,900	25,500	32,050	------	------	------	------
NEWPORT :							
DETACHED AND SEMIDETACHED	18,750	22,500	24,900	29,850	35,800	39,800	41,600
ROW DWELLINGS	17,900	21,100	23,600	28,150	34,050	37,750	39,550
WALKUP	18,350	21,600	24,150	28,900	34,750	38,600	40,700
ELEVATOR-STRUCTURE	22,050	25,800	32,500	------	------	------	------
WESTERLY :							
DETACHED AND SEMIDETACHED	18,750	22,500	24,900	29,850	35,800	39,800	41,600
ROW DWELLINGS	17,900	21,100	23,600	28,150	34,050	37,750	39,550
WALKUP	18,400	21,800	24,300	29,100	35,100	38,950	40,850
ELEVATOR-STRUCTURE	22,050	25,800	32,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
RHODE ISLAND --CONTINUED		REGION I--CONTINUED					
PAWTUCKET :							
DETACHED AND SEMIDETACHED	18,600	22,400	24,800	29,450	35,600	39,500	41,300
ROW DWELLINGS	17,750	20,950	23,450	28,000	33,650	37,400	39,100
WALKUP	18,100	21,400	23,950	28,600	34,500	38,300	40,150
ELEVATOR-STRUCTURE	21,850	25,450	32,000	------	------	------	------
WOONSOCKET :							
DETACHED AND SEMIDETACHED	18,400	22,000	24,450	29,250	35,150	38,950	40,800
ROW DWELLINGS	17,400	20,800	23,100	27,700	33,250	36,950	38,700
WALKUP	17,800	21,300	23,550	28,100	34,100	38,000	39,700
ELEVATOR-STRUCTURE	21,350	24,900	31,400	------	------	------	------
VERMONT							
BURLINGTON :							
DETACHED AND SEMIDETACHED	23,850	28,600	31,550	37,700	45,400	50,450	52,850
ROW DWELLINGS	22,800	26,950	30,050	35,800	42,800	47,900	50,150
WALKUP	19,450	23,900	27,400	32,400	37,400	41,300	43,400
ELEVATOR-STRUCTURE	23,500	27,350	34,700	------	------	------	------
BENNINGTON :							
DETACHED AND SEMIDETACHED	23,850	28,600	31,550	37,700	45,400	50,450	52,850
ROW DWELLINGS	22,800	26,950	30,050	35,800	42,800	47,900	50,150
WALKUP	19,450	23,900	27,400	32,400	37,400	41,300	43,400
ELEVATOR-STRUCTURE	23,500	27,350	34,700	------	------	------	------
BRATTLEBORO :							
DETACHED AND SEMIDETACHED	23,850	28,600	31,550	37,700	45,400	50,450	52,850
ROW DWELLINGS	22,800	26,950	30,050	35,800	42,800	47,900	50,150
WALKUP	19,450	23,900	27,400	32,400	37,400	41,300	43,400
ELEVATOR-STRUCTURE	23,500	27,350	34,700	------	------	------	------
MONTPELIER :							
DETACHED AND SEMIDETACHED	23,300	27,750	30,800	36,650	44,100	49,000	51,350
ROW DWELLINGS	22,050	26,250	29,150	34,700	41,550	46,450	48,650
WALKUP	18,900	23,300	26,500	31,450	36,150	40,050	42,000
ELEVATOR-STRUCTURE	23,500	27,350	34,700	------	------	------	------
RUTLAND :							
DETACHED AND SEMIDETACHED	23,600	28,050	31,100	37,300	44,650	49,800	52,050
ROW DWELLINGS	22,400	26,600	29,550	35,150	42,100	47,150	49,150
WALKUP	19,150	23,400	26,750	31,850	36,700	40,550	42,700
ELEVATOR-STRUCTURE	23,350	27,200	34,300	------	------	------	------
NEW JERSEY		REGION II					
CAMDEN :							
DETACHED AND SEMIDETACHED	21,050	25,350	28,050	33,450	40,450	44,850	47,100
ROW DWELLINGS	20,150	24,050	26,600	31,800	38,000	42,500	44,400
WALKUP	17,200	21,300	24,300	28,750	33,400	36,700	38,750
ELEVATOR-STRUCTURE	29,350	34,150	43,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW JERSEY --CONTINUED							
ATLANTIC CITY							
DETACHED AND SEMIDETACHED	21,050	25,300	28,000	33,400	40,300	44,700	46,900
ROW DWELLINGS	20,200	24,200	26,900	31,900	38,250	42,900	44,600
WALKUP	15,950	19,850	22,600	26,650	31,000	34,150	35,950
ELEVATOR-STRUCTURE	28,000	32,550	41,250	------	------	------	------
BURLINGTON							
DETACHED AND SEMIDETACHED	21,150	25,400	28,250	33,550	40,500	44,950	47,250
ROW DWELLINGS	20,200	24,150	26,900	31,850	38,150	42,650	44,450
WALKUP	17,650	21,750	24,700	29,200	33,850	37,250	39,300
ELEVATOR-STRUCTURE	29,500	34,400	43,500	------	------	------	------
GLOUCESTER							
DETACHED AND SEMIDETACHED	21,050	25,350	28,050	33,450	40,450	44,850	47,100
ROW DWELLINGS	20,150	24,050	26,600	31,800	38,000	42,500	44,400
WALKUP	16,700	20,700	23,450	27,700	32,200	35,500	37,350
ELEVATOR-STRUCTURE	29,350	34,150	43,300	------	------	------	------
TRENTON							
DETACHED AND SEMIDETACHED	21,650	25,750	28,700	34,150	41,150	45,750	48,000
ROW DWELLINGS	20,550	24,400	27,250	32,350	38,850	43,300	45,300
WALKUP	17,700	21,850	24,700	29,400	34,000	37,350	39,350
ELEVATOR-STRUCTURE	32,350	37,500	47,550	------	------	------	------
VINELAND							
DETACHED AND SEMIDETACHED	23,350	27,950	31,000	36,900	44,600	49,550	51,950
ROW DWELLINGS	22,100	26,550	29,450	35,100	42,000	46,850	49,000
WALKUP	17,750	22,050	25,100	29,650	34,200	37,800	39,850
ELEVATOR-STRUCTURE	30,350	35,200	44,650	------	------	------	------
NEWARK							
DETACHED AND SEMIDETACHED	26,800	31,750	35,400	42,250	50,750	56,300	58,950
ROW DWELLINGS	25,650	30,450	33,850	40,150	48,400	54,000	56,450
WALKUP	21,650	27,000	30,700	36,350	42,150	46,300	48,900
ELEVATOR-STRUCTURE	30,450	35,400	44,700	------	------	------	------
ASBURY PARK							
DETACHED AND SEMIDETACHED	26,800	31,750	35,400	42,250	50,750	56,300	58,950
ROW DWELLINGS	25,650	30,450	33,850	40,150	48,400	54,000	56,450
WALKUP	21,250	26,450	30,050	35,600	41,350	45,450	47,850
ELEVATOR-STRUCTURE	29,150	33,900	42,800	------	------	------	------
NORTH BERGEN							
DETACHED AND SEMIDETACHED	26,800	31,750	35,400	42,250	50,750	56,300	58,950
ROW DWELLINGS	25,650	30,450	33,850	40,150	48,400	54,000	56,450
WALKUP	22,250	27,500	31,350	37,150	43,200	47,450	49,850
ELEVATOR-STRUCTURE	29,900	34,850	44,000	------	------	------	------
FREEHOLD							
DETACHED AND SEMIDETACHED	26,800	31,750	35,400	42,250	50,750	56,300	58,950
ROW DWELLINGS	25,650	30,450	33,850	40,150	48,400	54,000	56,450
WALKUP	21,200	26,450	30,000	35,550	41,200	45,400	47,800
ELEVATOR-STRUCTURE	29,150	33,900	42,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
NEW YORK	REGION II--CONTINUED						
ALBANY:							
DETACHED AND SEMIDETACHED	22,000	26,250	28,900	34,550	41,850	46,300	48,650
ROW DWELLINGS	20,500	24,750	27,600	32,800	39,400	43,900	46,000
WALKUP	17,700	22,050	25,000	29,700	34,350	37,700	39,700
ELEVATOR-STRUCTURE	22,250	25,700	32,750	------	------	------	------
PLATTSBURGH:							
DETACHED AND SEMIDETACHED	20,850	24,900	27,650	33,000	39,800	44,100	46,300
ROW DWELLINGS	19,900	23,700	26,300	31,250	37,500	41,850	43,700
WALKUP	17,000	20,850	23,850	28,200	32,750	35,900	37,850
ELEVATOR-STRUCTURE	19,900	24,650	31,150	------	------	------	------
SYRACUSE:							
DETACHED AND SEMIDETACHED	22,100	26,450	29,100	34,850	42,100	46,750	48,950
ROW DWELLINGS	21,000	25,050	27,800	33,050	39,700	44,350	46,400
WALKUP	17,950	22,150	25,150	29,900	34,650	37,950	40,100
ELEVATOR-STRUCTURE	22,250	25,900	32,750	------	------	------	------
POUGHKEEPSIE:							
DETACHED AND SEMIDETACHED	22,650	27,000	29,950	35,750	43,150	47,850	50,150
ROW DWELLINGS	21,600	25,500	28,500	33,900	40,750	45,450	47,500
WALKUP	18,400	22,850	25,950	30,800	35,550	39,100	41,150
ELEVATOR-STRUCTURE	22,950	26,650	33,800	------	------	------	------
BINGHAMTON:							
DETACHED AND SEMIDETACHED	21,950	25,950	28,850	34,500	41,600	46,200	48,450
ROW DWELLINGS	21,200	25,350	28,100	33,450	40,200	44,950	46,900
WALKUP	17,650	21,900	24,900	29,450	34,150	37,350	39,450
ELEVATOR-STRUCTURE	22,350	25,950	32,800	------	------	------	------
BUFFALO:							
DETACHED AND SEMIDETACHED	17,550	21,000	23,300	27,800	33,500	37,250	39,050
ROW DWELLINGS	16,750	19,950	22,100	26,400	31,650	35,400	36,850
WALKUP	14,950	18,350	20,850	24,650	28,550	31,400	33,050
ELEVATOR-STRUCTURE	24,400	28,550	35,900	------	------	------	------
ROCHESTER:							
DETACHED AND SEMIDETACHED	17,150	20,500	22,650	27,100	32,750	36,250	38,050
ROW DWELLINGS	16,300	19,500	21,700	25,700	30,850	34,400	36,000
WALKUP	14,450	17,800	20,250	24,000	27,800	30,550	32,200
ELEVATOR-STRUCTURE	23,850	27,800	35,050	------	------	------	------
JAMESTOWN:							
DETACHED AND SEMIDETACHED	17,100	20,400	22,600	27,050	32,550	36,200	37,950
ROW DWELLINGS	16,200	19,400	21,450	25,500	30,700	34,350	35,750
WALKUP	14,450	17,800	20,250	24,000	27,800	30,550	32,200
ELEVATOR-STRUCTURE	23,700	27,600	34,900	------	------	------	------
ELMIRA:							
DETACHED AND SEMIDETACHED	18,250	21,800	24,300	28,950	34,900	38,700	40,600
ROW DWELLINGS	17,350	20,850	23,100	27,350	32,900	36,750	38,300
WALKUP	15,550	19,100	21,650	25,700	29,700	32,750	34,450
ELEVATOR-STRUCTURE	25,400	29,600	37,350	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW YORK --CONTINUED							
NEW YORK CITY (INNER) :							
DETACHED AND SEMIDETACHED	24,500	29,400	32,550	38,900	46,800	52,050	54,500
ROW DWELLINGS	23,550	28,050	31,150	37,050	44,450	49,500	51,900
WALKUP	25,900	32,150	36,400	43,100	50,000	54,900	57,900
ELEVATOR-STRUCTURE	34,450	37,200	42,300	50,750	58,850	62,600	------
NEW YORK CITY (METRO) :							
DETACHED AND SEMIDETACHED	16,350	19,600	21,700	25,950	31,200	34,700	36,350
ROW DWELLINGS	15,700	18,700	20,750	24,700	29,650	33,000	34,600
WALKUP	17,250	21,450	24,250	28,750	33,350	36,600	38,600
ELEVATOR-STRUCTURE	35,450	38,300	43,550	52,250	60,600	64,450	------
NASSAU COUNTY :							
DETACHED AND SEMIDETACHED	19,000	21,050	23,500	27,900	33,700	37,350	39,150
ROW DWELLINGS	18,300	20,150	22,400	26,550	31,900	35,550	37,200
WALKUP	22,000	25,200	28,600	33,850	39,200	43,150	45,450
ELEVATOR-STRUCTURE	30,050	34,400	39,150	47,000	54,450	58,000	------
SUFFOLK COUNTY :							
DETACHED AND SEMIDETACHED	17,900	19,800	21,950	26,200	31,550	35,000	36,700
ROW DWELLINGS	17,150	18,850	21,000	24,950	29,900	33,350	34,900
WALKUP	20,650	23,600	26,900	31,750	36,750	40,500	42,600
ELEVATOR-STRUCTURE	28,000	32,150	36,500	43,750	50,750	54,000	------
WESTCHESTER COUNTY :							
DETACHED AND SEMIDETACHED	17,250	19,100	21,100	25,300	29,900	33,800	35,450
ROW DWELLINGS	16,500	18,200	20,200	24,100	28,850	32,200	33,800
WALKUP	19,850	22,800	25,800	30,550	35,450	39,050	41,150
ELEVATOR-STRUCTURE	27,050	2,900	35,200	42,150	48,900	52,100	------
ORANGE COUNTY :							
DETACHED AND SEMIDETACHED	17,150	19,550	21,650	25,900	31,150	34,550	36,200
ROW DWELLINGS	16,450	18,600	20,700	24,550	29,550	32,900	34,450
WALKUP	19,750	23,350	26,500	31,400	36,300	40,000	42,150
ELEVATOR-STRUCTURE	27,150	31,300	35,500	42,650	49,550	52,750	------
ROCKLAND COUNTY :							
DETACHED AND SEMIDETACHED	17,500	19,350	21,500	25,650	30,900	34,350	36,000
ROW DWELLINGS	16,750	18,500	20,550	24,400	293,000	327,000	34,250
WALKUP	20,200	23,150	26,300	31,100	36,100	39,650	41,750
ELEVATOR-STRUCTURE	28,750	30,750	34,900	41,900	48,600	51,700	------
PUERTO RICO							
SAN JUAN :							
DETACHED AND SEMIDETACHED	16,050	19,200	21,300	25,400	30,650	33,950	35,700
ROW DWELLINGS	18,000	21,550	24,000	28,250	34,150	37,900	39,750
WALKUP	13,850	17,150	19,450	23,150	26,750	29,450	31,000
ELEVATOR-STRUCTURE	15,350	18,000	22,700	25,250	27,700	------	------
OLD SAN JUAN :							
DETACHED AND SEMIDETACHED	19,200	23,050	25,450	30,450	36,750	40,750	42,800
ROW DWELLINGS	21,600	25,850	28,800	34,000	41,000	45,550	47,800
WALKUP	16,650	20,500	23,350	27,750	32,050	35,350	37,250
ELEVATOR-STRUCTURE	18,400	21,500	27,250	30,300	33,250	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
PUERTO RICO --CONTINUED		REGION II--CONTINUED					
PONCE							
DETACHED AND SEMIDETACHED	16,100	19,300	21,350	25,550	30,700	34,000	35,750
ROW DWELLINGS	18,100	21,700	24,100	28,300	34,250	38,000	39,850
WALKUP	13,950	17,200	19,550	23,150	26,850	29,500	31,050
ELEVATOR-STRUCTURE	15,500	18,050	22,800	25,350	27,800	------	------
MAYAGUEZ							
DETACHED AND SEMIDETACHED	16,100	19,300	21,350	25,550	30,700	34,000	35,750
ROW DWELLINGS	18,100	21,700	24,100	28,300	34,250	38,000	39,850
WALKUP	13,950	17,200	19,550	23,150	26,850	29,500	31,050
ELEVATOR-STRUCTURE	15,500	18,050	22,800	25,350	27,800	------	------
ARECIBO							
DETACHED AND SEMIDETACHED	16,100	19,300	21,350	25,550	30,700	34,000	35,750
ROW DWELLINGS	18,100	21,700	24,100	28,300	34,250	38,000	39,850
WALKUP	13,950	17,200	19,550	23,150	26,850	29,500	31,050
ELEVATOR-STRUCTURE	15,500	18,050	22,800	25,350	27,800	------	------
VIRGIN ISLANDS							
ST THOMAS							
DETACHED AND SEMIDETACHED	19,650	23,550	26,050	31,150	37,500	41,650	43,650
ROW DWELLINGS	22,100	26,350	29,200	34,800	41,750	46,500	48,750
WALKUP	17,250	21,100	24,050	28,500	33,100	36,350	38,250
ELEVATOR-STRUCTURE	17,450	20,300	25,800	28,650	31,500	------	------
ST. CROIX							
DETACHED AND SEMIDETACHED	19,150	22,850	25,400	30,450	36,500	40,600	42,500
ROW DWELLINGS	21,600	25,800	28,650	34,000	40,800	45,500	47,600
WALKUP	16,600	20,450	23,250	27,500	31,950	35,200	37,000
ELEVATOR-STRUCTURE	17,050	19,850	25,100	27,950	30,700	------	------
DELAWARE		REGION III					
WILMINGTON							
DETACHED AND SEMIDETACHED	14,000	16,850	18,650	22,250	26,750	29,850	31,250
ROW DWELLINGS	13,450	16,050	17,700	21,150	25,550	28,350	29,750
WALKUP	11,500	14,100	16,000	19,150	22,200	24,200	25,550
ELEVATOR-STRUCTURE	23,750	27,600	35,200	------	------	------	------
DOVER							
DETACHED AND SEMIDETACHED	14,050	17,050	18,750	22,400	26,900	30,000	31,400
ROW DWELLINGS	13,500	16,150	17,900	21,250	25,750	28,550	29,900
WALKUP	11,550	14,250	16,200	19,250	22,300	24,450	25,700
ELEVATOR-STRUCTURE	23,950	27,850	35,350	------	------	------	------
WASHINGTON, D C.							
WASHINGTON, D.C							
DETACHED AND SEMIDETACHED	23,450	28,100	31,050	37,100	44,650	49,800	52,000
ROW DWELLINGS	22,300	26,750	29,550	35,250	42,450	47,350	49,300
WALKUP	19,250	23,600	27,200	31,900	37,050	40,900	42,950
ELEVATOR-STRUCTURE	25,450	29,350	37,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
MARYLAND							
BALTIMORE :							
DETACHED AND SEMIDETACHED	18,450	22,150	24,550	29,250	35,100	39,350	41,000
ROW DWELLINGS	17,500	21,100	23,250	27,800	33,350	37,050	38,850
WALKUP	15,100	18,700	21,250	25,150	29,250	32,050	33,750
ELEVATOR-STRUCTURE	21,500	24,950	31,700	------	------	------	------
BALTIMORE CITY MD :							
DETACHED AND SEMIDETACHED	19,150	23,000	25,500	30,400	36,450	40,850	42,600
ROW DWELLINGS	18,200	21,950	24,100	28,900	34,650	38,500	40,350
WALKUP	15,700	19,400	22,050	26,150	30,350	33,300	35,100
ELEVATOR-STRUCTURE	21,150	24,550	31,150	------	------	------	------
HAGERSTOWN :							
DETACHED AND SEMIDETACHED	19,250	23,000	25,550	30,550	36,700	40,950	42,700
ROW DWELLINGS	18,200	21,850	24,200	28,900	34,650	38,500	40,400
WALKUP	15,900	19,650	22,250	26,400	30,650	33,650	35,500
ELEVATOR-STRUCTURE	20,950	24,350	30,800	------	------	------	------
SALISBURY :							
DETACHED AND SEMIDETACHED	18,200	21,800	24,150	28,800	34,650	38,600	40,350
ROW DWELLINGS	17,300	20,600	22,800	27,300	32,800	36,500	38,150
WALKUP	15,300	18,900	21,400	25,500	29,500	32,350	34,150
ELEVATOR-STRUCTURE	21,800	25,350	32,050	------	------	------	------
WALDORF :							
DETACHED AND SEMIDETACHED	17,900	21,550	23,850	28,400	34,100	38,150	39,800
ROW DWELLINGS	16,950	20,450	22,550	26,950	32,350	35,950	37,700
WALKUP	14,650	18,150	20,550	24,400	28,350	31,100	32,750
ELEVATOR-STRUCTURE	20,850	24,250	30,750	------	------	------	------
PENNSYLVANIA							
PHILADELPHIA :							
DETACHED AND SEMIDETACHED	18,900	22,900	24,800	30,150	36,150	40,350	42,100
ROW DWELLINGS	18,100	21,800	24,100	28,650	34,450	38,450	39,900
WALKUP	15,600	19,350	21,950	25,950	30,100	33,200	34,850
ELEVATOR-STRUCTURE	28,700	33,400	42,300	------	------	------	------
ALLENTOWN :							
DETACHED AND SEMIDETACHED	18,400	22,100	24,350	29,150	35,000	39,050	40,850
ROW DWELLINGS	17,600	21,150	23,300	27,800	33,400	37,200	38,750
WALKUP	15,150	18,750	21,300	25,200	29,150	32,150	33,750
ELEVATOR-STRUCTURE	27,050	31,300	39,700	------	------	------	------
BELLEFONTE :							
DETACHED AND SEMIDETACHED	19,200	23,200	25,700	30,650	36,750	41,050	42,900
ROW DWELLINGS	18,450	22,200	24,550	29,250	35,100	39,150	40,700
WALKUP	15,950	19,750	22,400	26,400	30,700	33,800	35,400
ELEVATOR-STRUCTURE	28,600	33,050	42,150	------	------	------	------
WELLSBORO :							
DETACHED AND SEMIDETACHED	20,550	24,550	27,300	32,550	39,200	43,500	45,650
ROW DWELLINGS	20,150	24,200	26,800	31,750	38,150	42,650	44,500
WALKUP	18,200	22,400	25,350	30,100	34,850	38,350	40,350
ELEVATOR-STRUCTURE	35,050	40,850	51,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
PENNSYLVANIA --CONTINUED							
HARRISBURG :							
DETACHED AND SEMIDETACHED	18,450	22,300	24,650	29,300	35,250	39,350	41,050
ROW DWELLINGS	17,700	21,200	23,450	27,900	33,600	37,450	39,000
WALKUP	15,200	18,800	21,400	25,300	29,400	32,350	33,900
ELEVATOR-STRUCTURE	27,400	31,850	40,350	------	------	------	------
LANCASTER :							
DETACHED AND SEMIDETACHED	17,950	21,750	23,950	28,550	34,400	38,400	40,100
ROW DWELLINGS	17,250	20,750	22,850	27,250	32,800	36,500	38,000
WALKUP	14,850	18,300	20,850	24,750	28,700	31,600	33,100
ELEVATOR-STRUCTURE	27,050	31,300	39,700	------	------	------	------
YORK :							
DETACHED AND SEMIDETACHED	17,950	21,750	23,950	28,550	34,400	38,400	40,100
ROW DWELLINGS	17,250	20,750	22,850	27,250	32,800	36,500	38,000
WALKUP	14,850	18,300	20,850	24,750	28,700	31,600	33,100
ELEVATOR-STRUCTURE	27,050	31,300	39,700	------	------	------	------
POTTSTOWN :							
DETACHED AND SEMIDETACHED	17,950	21,750	23,950	28,550	34,400	38,400	40,100
ROW DWELLINGS	17,250	20,750	22,850	27,250	32,800	36,500	38,000
WALKUP	14,850	18,300	20,850	24,750	28,700	31,600	33,100
ELEVATOR-STRUCTURE	27,050	31,300	39,700	------	------	------	------
READING :							
DETACHED AND SEMIDETACHED	17,950	21,750	23,950	28,550	34,400	38,400	40,100
ROW DWELLINGS	17,250	20,750	22,850	27,250	32,800	36,500	38,000
WALKUP	15,100	18,650	21,300	25,100	29,150	32,100	33,600
ELEVATOR-STRUCTURE	27,050	31,300	39,700	------	------	------	------
SCRANTON :							
DETACHED AND SEMIDETACHED	18,200	22,000	24,200	28,850	34,750	38,700	40,400
ROW DWELLINGS	17,450	20,900	23,050	27,550	33,050	36,900	38,350
WALKUP	14,100	17,400	19,800	23,400	27,150	29,950	31,350
ELEVATOR-STRUCTURE	28,800	33,400	42,450	------	------	------	------
BETHLEHEM :							
DETACHED AND SEMIDETACHED	17,550	21,100	23,200	27,800	33,300	37,200	38,700
ROW DWELLINGS	16,800	20,150	22,100	26,450	31,900	35,400	36,750
WALKUP	14,300	17,900	20,250	23,950	27,750	30,450	32,150
ELEVATOR-STRUCTURE	27,450	31,950	40,500	------	------	------	------
PITTSBURGH :							
DETACHED AND SEMIDETACHED	19,550	23,350	25,850	30,750	37,000	41,200	43,100
ROW DWELLINGS	18,500	22,250	24,400	29,200	35,050	39,150	40,750
WALKUP	16,100	20,050	22,800	27,050	31,350	34,550	36,150
ELEVATOR-STRUCTURE	23,250	27,150	34,350	------	------	------	------
ALTOONA :							
DETACHED AND SEMIDETACHED	18,650	22,350	24,800	29,500	35,350	39,450	41,200
ROW DWELLINGS	17,650	21,350	23,400	28,000	33,650	37,500	39,150
WALKUP	15,550	19,150	22,050	26,000	30,050	33,100	34,800
ELEVATOR-STRUCTURE	21,850	25,350	32,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
PENNSYLVANIA --CONTINUED							
ERIE :							
DETACHED AND SEMIDETACHED	19,350	23,200	25,650	30,550	36,750	40,900	42,700
ROW DWELLINGS	18,400	22,050	24,250	28,750	34,750	38,850	40,450
WALKUP	15,450	19,100	21,850	25,800	29,900	33,000	34,650
ELEVATOR-STRUCTURE	23,050	26,700	33,800	------	------	------	------
JOHNSTOWN :							
DETACHED AND SEMIDETACHED	18,600	22,300	24,750	29,400	35,300	39,400	41,150
ROW DWELLINGS	17,550	21,050	23,200	27,550	33,350	37,050	38,650
WALKUP	15,450	19,100	21,850	25,800	29,900	33,000	34,650
ELEVATOR-STRUCTURE	22,050	25,600	32,450	------	------	------	------
NEW CASTLE :							
DETACHED AND SEMIDETACHED	18,600	22,300	24,750	29,400	35,300	39,400	41,150
ROW DWELLINGS	17,650	21,150	23,350	27,800	33,550	37,350	38,950
WALKUP	15,450	19,100	21,850	25,850	29,950	33,000	34,650
ELEVATOR-STRUCTURE	22,050	25,600	32,450	------	------	------	------
SHARON :							
DETACHED AND SEMIDETACHED	20,200	24,200	26,950	32,000	38,450	42,850	44,850
ROW DWELLINGS	19,300	23,150	25,450	30,300	36,450	40,700	42,450
WALKUP	15,450	19,100	21,850	25,800	29,900	33,000	34,650
ELEVATOR-STRUCTURE	22,050	25,600	32,450	------	------	------	------
VIRGINIA							
RICHMOND :							
DETACHED AND SEMIDETACHED	14,250	17,150	21,100	25,250	30,400	33,800	35,250
ROW DWELLINGS	13,500	16,350	20,100	24,000	28,950	32,100	33,500
WALKUP	11,650	14,650	18,350	21,700	25,100	27,600	29,100
ELEVATOR-STRUCTURE	28,650	33,200	42,100	------	------	------	------
NORFOLK :							
DETACHED AND SEMIDETACHED	13,300	16,050	19,650	23,450	28,250	31,500	32,850
ROW DWELLINGS	12,500	15,250	18,750	22,400	26,950	29,950	31,200
WALKUP	10,350	12,850	16,350	19,200	22,200	24,550	25,700
ELEVATOR-STRUCTURE	24,200	28,300	35,750	------	------	------	------
VIRGINIA BEACH :							
DETACHED AND SEMIDETACHED	12,650	15,250	18,600	22,250	26,750	29,900	31,200
ROW DWELLINGS	11,900	14,400	17,800	21,200	25,600	28,500	29,700
WALKUP	10,350	12,850	16,350	19,200	22,200	24,550	25,700
ELEVATOR-STRUCTURE	24,200	28,300	35,750	------	------	------	------
PORTSMOUTH :							
DETACHED AND SEMIDETACHED	12,550	15,250	18,600	22,200	26,750	29,850	31,150
ROW DWELLINGS	11,900	14,400	17,750	21,100	25,550	28,450	29,600
WALKUP	10,200	12,650	16,050	18,900	21,850	24,150	25,350
ELEVATOR-STRUCTURE	24,200	28,300	35,750	------	------	------	------
CHESAPEAKE :							
DETACHED AND SEMIDETACHED	12,650	15,250	18,600	22,250	26,750	29,900	31,200
ROW DWELLINGS	11,900	14,400	17,800	21,200	25,600	28,500	29,700
WALKUP	10,050	12,450	15,900	18,600	21,550	23,800	24,950
ELEVATOR-STRUCTURE	24,200	28,300	35,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
VIRGINIA --CONTINUED	REGION III--CONTINUED						
SUFFOLK :							
DETACHED AND SEMIDETACHED	12,650	15,250	18,600	22,250	26,750	29,900	31,200
ROW DWELLINGS	11,900	14,400	17,800	21,200	25,600	28,500	29,700
WALKUP	10,350	12,850	16,350	19,200	22,200	24,550	25,700
ELEVATOR-STRUCTURE	22,200	25,900	32,650	------	------	------	------
ROANOKE :							
DETACHED AND SEMIDETACHED	12,900	15,550	19,050	22,700	27,300	30,500	31,800
ROW DWELLINGS	12,100	14,800	18,100	21,650	26,100	29,050	30,300
WALKUP	10,350	12,850	16,350	19,200	22,200	24,550	25,700
ELEVATOR-STRUCTURE	22,150	25,600	32,400	------	------	------	------
LYNCHBURG :							
DETACHED AND SEMIDETACHED	12,650	15,250	18,600	22,250	26,750	29,900	31,200
ROW DWELLINGS	11,900	14,400	17,800	21,200	25,600	28,500	29,700
WALKUP	10,350	12,850	16,350	19,200	22,200	24,550	25,700
ELEVATOR-STRUCTURE	22,150	25,600	32,400	------	------	------	------
DANVILLE :							
DETACHED AND SEMIDETACHED	12,650	15,250	18,600	22,250	26,750	29,900	31,200
ROW DWELLINGS	11,900	14,400	17,800	21,200	25,600	28,500	29,700
WALKUP	10,450	13,000	16,550	19,400	22,500	24,900	26,150
ELEVATOR-STRUCTURE	22,150	25,600	32,400	------	------	------	------
NEWPORT NEWS :							
DETACHED AND SEMIDETACHED	12,700	15,300	18,800	22,450	27,050	30,050	31,350
ROW DWELLINGS	11,950	14,550	17,900	21,400	25,750	28,650	29,850
WALKUP	10,600	13,200	16,750	19,800	22,950	25,350	26,600
ELEVATOR-STRUCTURE	24,450	28,500	35,900	------	------	------	------
HAMPTON :							
DETACHED AND SEMIDETACHED	12,700	15,300	18,800	22,450	27,050	30,050	31,350
ROW DWELLINGS	11,950	14,550	17,900	21,400	25,750	28,650	29,850
WALKUP	10,400	12,950	16,400	19,350	22,450	24,800	26,100
ELEVATOR-STRUCTURE	24,450	28,500	35,900	------	------	------	------
FREDERICKSBURG :							
DETACHED AND SEMIDETACHED	12,850	15,400	19,050	22,700	27,300	30,400	31,800
ROW DWELLINGS	12,000	14,700	18,000	21,550	26,050	28,850	30,000
WALKUP	10,550	12,950	16,450	19,400	22,600	24,850	26,100
ELEVATOR-STRUCTURE	24,200	28,150	35,550	------	------	------	------
WARRENTON :							
DETACHED AND SEMIDETACHED	12,850	15,400	19,050	22,700	27,300	30,400	31,800
ROW DWELLINGS	12,000	14,700	18,000	21,550	26,050	28,850	30,000
WALKUP	10,550	12,950	16,450	19,400	22,600	24,850	26,100
ELEVATOR-STRUCTURE	24,200	28,150	35,550	------	------	------	------
HARRISONBURG :							
DETACHED AND SEMIDETACHED	12,800	15,350	18,900	22,600	27,200	30,250	31,500
ROW DWELLINGS	12,000	14,600	17,950	21,500	25,850	28,800	29,950
WALKUP	10,450	13,000	16,550	19,400	22,600	24,900	26,200
ELEVATOR-STRUCTURE	22,400	26,050	32,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

REGION III--CONTINUED

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
VIRGINIA --CONTINUED							
BRISTOL :							
DETACHED AND SEMIDETACHED	13,050	15,850	19,400	23,250	28,050	31,150	32,500
ROW DWELLINGS	12,400	15,050	18,450	22,050	26,600	29,600	30,850
WALKUP	10,550	13,050	16,600	19,450	22,650	24,900	26,150
ELEVATOR-STRUCTURE	23,750	27,500	34,900	-------	-------	-------	-------
NORTON :							
DETACHED AND SEMIDETACHED	18,300	22,100	27,150	32,600	39,200	43,500	45,400
ROW DWELLINGS	17,400	21,050	25,850	30,900	37,200	41,450	43,250
WALKUP	14,750	18,200	23,250	27,200	31,700	34,850	36,550
ELEVATOR-STRUCTURE	38,950	45,050	57,150	-------	-------	-------	-------
EASTERN SHORE :							
DETACHED AND SEMIDETACHED	12,700	15,300	18,800	22,450	27,050	30,050	31,350
ROW DWELLINGS	11,950	14,550	17,900	21,400	25,750	28,650	29,850
WALKUP	10,350	12,850	16,350	19,250	22,250	24,650	25,900
ELEVATOR-STRUCTURE	22,400	26,050	32,950	-------	-------	-------	-------
CHARLOTTESVILLE :							
DETACHED AND SEMIDETACHED	14,800	17,850	22,000	26,100	31,600	35,150	36,600
ROW DWELLINGS	13,950	16,900	20,800	24,950	30,100	33,450	34,800
WALKUP	12,150	15,100	20,000	22,600	26,250	28,950	30,450
ELEVATOR-STRUCTURE	26,000	30,200	38,350	-------	-------	-------	-------
WEST VIRGINIA							
CHARLESTON :							
DETACHED AND SEMIDETACHED	15,200	18,400	22,800	27,100	32,600	36,450	38,000
ROW DWELLINGS	14,500	17,500	21,550	25,750	30,850	34,350	35,850
WALKUP	13,900	17,300	22,050	26,050	30,500	33,300	34,950
ELEVATOR-STRUCTURE	21,500	24,900	31,650	-------	-------	-------	-------
BECKLEY :							
DETACHED AND SEMIDETACHED	14,900	18,000	22,100	26,400	31,800	35,500	36,900
ROW DWELLINGS	14,050	17,100	20,950	25,050	30,050	33,650	35,150
WALKUP	13,600	16,900	21,550	25,350	29,300	32,450	34,000
ELEVATOR-STRUCTURE	20,900	24,350	30,800	-------	-------	-------	-------
BLUEFIELD :							
DETACHED AND SEMIDETACHED	14,900	18,000	22,100	26,400	31,800	35,500	36,900
ROW DWELLINGS	14,050	17,100	20,950	25,050	30,050	33,650	35,150
WALKUP	13,600	16,900	21,550	25,350	29,300	32,450	34,000
ELEVATOR-STRUCTURE	20,900	24,350	30,800	-------	-------	-------	-------
HUNTINGTON :							
DETACHED AND SEMIDETACHED	15,000	18,100	22,300	26,550	32,100	35,800	37,300
ROW DWELLINGS	14,100	17,150	21,250	25,300	30,300	33,900	35,300
WALKUP	13,750	17,050	21,650	25,650	29,700	32,800	34,350
ELEVATOR-STRUCTURE	21,150	24,550	31,200	-------	-------	-------	-------
PARKERSBURG :							
DETACHED AND SEMIDETACHED	15,300	18,450	22,850	27,250	32,800	36,650	38,200
ROW DWELLINGS	14,600	17,650	21,700	25,950	30,950	34,600	36,100
WALKUP	13,750	17,050	21,650	25,650	29,700	32,800	34,350
ELEVATOR-STRUCTURE	21,150	24,550	31,200	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
WEST VIRGINIA --CONTINUED							
WHEELING :							
DETACHED AND SEMIDETACHED	14,900	18,000	22,100	26,400	31,800	35,500	36,900
ROW DWELLINGS	14,050	17,100	20,950	25,050	30,050	33,650	35,150
WALKUP	13,600	16,900	21,550	25,350	29,300	32,450	34,000
ELEVATOR-STRUCTURE	20,900	24,350	30,800	------	------	------	------
MARTINSBURG :							
DETACHED AND SEMIDETACHED	13,800	16,800	20,700	24,650	29,600	33,050	34,500
ROW DWELLINGS	13,250	15,950	19,550	23,200	28,100	31,200	32,700
WALKUP	12,450	15,550	19,850	23,350	27,100	29,900	31,450
ELEVATOR-STRUCTURE	20,900	24,350	30,800	------	------	------	------
FAIRMONT :							
DETACHED AND SEMIDETACHED	15,250	18,400	22,750	27,100	32,600	36,450	38,000
ROW DWELLINGS	14,500	17,500	21,550	25,750	30,850	34,350	36,000
WALKUP	13,450	16,700	21,200	25,100	28,950	32,000	33,650
ELEVATOR-STRUCTURE	20,850	24,350	30,700	------	------	------	------
POINT PLEASANT :							
DETACHED AND SEMIDETACHED	14,250	17,300	21,350	25,450	30,600	34,100	35,600
ROW DWELLINGS	13,550	16,400	20,250	24,100	28,900	32,200	33,750
WALKUP	13,150	16,350	20,800	24,400	28,300	31,250	32,800
ELEVATOR-STRUCTURE	21,100	24,450	31,050	------	------	------	------
REGION IV							
ALABAMA							
BIRMINGHAM :							
DETACHED AND SEMIDETACHED	14,100	17,200	21,100	25,350	30,550	33,850	35,450
ROW DWELLINGS	13,700	16,350	20,250	24,100	29,050	32,300	33,900
WALKUP	11,850	14,600	18,500	21,800	25,350	28,050	29,350
ELEVATOR-STRUCTURE	22,550	26,500	33,250	------	------	------	------
DOTHAN :							
DETACHED AND SEMIDETACHED	13,500	16,400	20,150	24,300	29,100	32,250	33,900
ROW DWELLINGS	13,000	15,650	19,300	22,900	27,700	30,800	32,300
WALKUP	11,150	14,000	17,700	21,000	24,300	26,750	28,150
ELEVATOR-STRUCTURE	21,950	25,650	32,300	------	------	------	------
FLORENCE :							
DETACHED AND SEMIDETACHED	13,700	16,500	20,200	24,450	29,350	32,600	34,100
ROW DWELLINGS	13,050	15,700	19,350	23,350	28,000	31,050	32,500
WALKUP	11,200	14,050	17,750	21,100	24,500	26,850	28,250
ELEVATOR-STRUCTURE	22,400	26,250	33,050	------	------	------	------
HUNTSVILLE :							
DETACHED AND SEMIDETACHED	13,300	16,200	20,000	23,750	28,750	31,950	33,450
ROW DWELLINGS	12,950	15,450	19,200	22,800	27,500	30,650	32,050
WALKUP	11,100	13,900	17,500	20,650	23,950	26,400	27,700
ELEVATOR-STRUCTURE	21,950	25,650	32,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
ALABAMA --CONTINUED							
MOBILE :							
DETACHED AND SEMIDETACHED	14,800	17,900	22,150	26,400	31,800	35,350	36,950
ROW DWELLINGS	14,150	17,250	21,200	25,200	30,350	33,700	35,350
WALKUP	12,200	15,250	19,300	22,800	26,550	29,300	30,800
ELEVATOR-STRUCTURE	23,700	27,550	34,700	------	------	------	------
MONTGOMERY :							
DETACHED AND SEMIDETACHED	13,450	16,300	20,100	24,250	29,050	32,200	33,800
ROW DWELLINGS	13,000	15,650	19,300	22,900	27,700	30,800	32,300
WALKUP	11,150	13,950	17,650	20,900	24,200	26,550	28,050
ELEVATOR-STRUCTURE	22,200	26,000	32,600	------	------	------	------
TUSCALOOSA :							
DETACHED AND SEMIDETACHED	13,300	16,200	20,000	23,750	28,750	31,950	33,450
ROW DWELLINGS	12,950	15,450	19,200	22,800	27,500	30,650	32,050
WALKUP	11,100	13,900	17,500	20,650	23,950	26,400	27,700
ELEVATOR-STRUCTURE	21,950	25,650	32,400	------	------	------	------
FLORIDA							
JACKSONVILLE :							
DETACHED AND SEMIDETACHED	12,050	14,400	17,850	21,350	25,600	28,400	29,800
ROW DWELLINGS	11,500	13,900	17,100	20,300	24,400	27,250	28,500
WALKUP	13,050	16,200	20,750	24,400	28,350	31,150	32,600
ELEVATOR-STRUCTURE	19,850	23,000	29,200	------	------	------	------
FORT WALTON BEACH :							
DETACHED AND SEMIDETACHED	11,800	14,350	17,650	21,100	25,400	28,100	29,500
ROW DWELLINGS	11,450	13,850	17,000	20,200	24,100	27,000	28,200
WALKUP	13,000	16,150	20,550	24,050	28,150	30,800	32,350
ELEVATOR-STRUCTURE	19,700	22,850	29,000	------	------	------	------
GAINESVILLE :							
DETACHED AND SEMIDETACHED	12,400	15,100	18,550	22,200	26,700	29,500	30,950
ROW DWELLINGS	11,850	14,450	17,750	21,050	25,350	28,350	29,600
WALKUP	13,050	16,150	20,750	24,400	28,200	31,150	32,600
ELEVATOR-STRUCTURE	20,650	23,900	30,450	------	------	------	------
PANAMA CITY :							
DETACHED AND SEMIDETACHED	11,800	14,350	17,650	21,100	25,400	28,100	29,500
ROW DWELLINGS	11,450	13,850	17,000	20,200	24,100	27,000	28,200
WALKUP	13,000	16,150	20,550	24,050	28,150	30,800	32,350
ELEVATOR-STRUCTURE	19,700	22,850	29,000	------	------	------	------
PENSACOLA :							
DETACHED AND SEMIDETACHED	11,800	14,350	17,650	21,100	25,400	28,100	29,500
ROW DWELLINGS	11,450	13,850	17,000	20,200	24,100	27,000	28,200
WALKUP	12,650	15,850	20,050	23,650	27,600	30,200	31,600
ELEVATOR-STRUCTURE	19,700	22,850	29,000	------	------	------	------
TALLAHASSEE :							
DETACHED AND SEMIDETACHED	12,300	14,800	18,250	21,900	26,300	29,150	30,500
ROW DWELLINGS	11,700	14,150	17,450	20,850	24,950	27,900	29,150
WALKUP	12,750	15,950	20,450	23,800	27,850	30,550	32,000
ELEVATOR-STRUCTURE	20,250	23,550	29,900	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
FLORIDA --CONTINUED	REGION IV--CONTINUED						
MIAMI :							
DETACHED AND SEMIDETACHED	14,050	16,850	20,650	24,850	29,900	33,200	34,750
ROW DWELLINGS	13,650	16,400	20,450	24,200	29,200	32,500	34,050
WALKUP	11,250	14,200	18,000	21,350	24,700	27,250	28,650
ELEVATOR-STRUCTURE	25,800	30,000	37,950	------	------	------	------
* BIG CYPRESS :							
DETACHED AND SEMIDETACHED	15,100	18,000	22,000	26,500	32,050	35,250	37,100
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* BRIGHTON :							
DETACHED AND SEMIDETACHED	15,100	18,000	22,000	26,500	32,050	35,250	37,100
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
FORT LAUDERDALE :							
DETACHED AND SEMIDETACHED	14,050	16,800	20,700	24,800	29,850	33,100	34,800
ROW DWELLINGS	14,200	17,150	21,250	25,300	30,350	33,750	35,450
WALKUP	9,450	12,000	15,300	17,900	20,800	22,900	24,100
ELEVATOR-STRUCTURE	24,400	28,550	35,850	------	------	------	------
FORT MYERS :							
DETACHED AND SEMIDETACHED	12,400	14,850	18,200	21,850	26,300	29,200	31,600
ROW DWELLINGS	12,500	15,100	18,700	22,250	26,700	29,750	31,200
WALKUP	9,050	11,350	14,350	17,050	19,750	21,700	22,800
ELEVATOR-STRUCTURE	23,900	27,850	35,200	------	------	------	------
KEY WEST :							
DETACHED AND SEMIDETACHED	13,850	16,600	20,400	24,450	29,450	32,700	34,250
ROW DWELLINGS	14,000	16,850	21,000	24,850	30,000	33,400	34,950
WALKUP	10,350	13,050	16,550	19,600	22,700	25,000	26,300
ELEVATOR-STRUCTURE	25,550	29,750	37,600	------	------	------	------
WEST PALM BEACH :							
DETACHED AND SEMIDETACHED	12,950	15,550	19,100	22,900	27,600	30,600	32,050
ROW DWELLINGS	13,150	15,800	19,600	23,300	28,050	31,100	32,700
WALKUP	9,950	12,500	15,900	18,800	21,850	24,050	25,200
ELEVATOR-STRUCTURE	24,950	29,050	36,650	------	------	------	------
TAMPA :							
DETACHED AND SEMIDETACHED	11,200	13,400	16,500	19,800	23,700	26,450	27,650
ROW DWELLINGS	11,000	13,350	16,550	19,600	23,550	26,300	27,450
WALKUP	10,850	13,450	17,150	20,300	23,550	25,800	27,100
ELEVATOR-STRUCTURE	21,650	25,200	31,850	------	------	------	------
COCOA BEACH :							
DETACHED AND SEMIDETACHED	11,100	13,250	16,400	19,600	23,500	26,250	27,400
ROW DWELLINGS	10,950	13,200	16,400	19,350	23,400	26,050	27,250
WALKUP	10,700	13,400	16,950	20,050	23,350	25,550	26,850
ELEVATOR-STRUCTURE	21,550	25,100	31,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
FLORIDA --CONTINUED							
DAYTONA BEACH :							
DETACHED AND SEMIDETACHED	13,050	15,600	19,400	23,200	27,700	30,900	32,350
ROW DWELLINGS	12,850	15,550	19,300	22,900	27,500	30,750	32,100
WALKUP	12,600	15,750	19,900	23,650	27,400	30,250	31,600
ELEVATOR-STRUCTURE	21,250	24,750	31,300	------	------	------	------
FORT PIERCE :							
DETACHED AND SEMIDETACHED	11,850	14,100	17,500	20,900	25,150	28,050	29,350
ROW DWELLINGS	11,650	14,000	17,400	20,700	24,850	27,800	28,950
WALKUP	11,550	14,300	18,150	21,500	25,150	27,350	28,800
ELEVATOR-STRUCTURE	23,050	26,700	33,600	------	------	------	------
LAKELAND :							
DETACHED AND SEMIDETACHED	11,250	13,450	16,650	20,000	23,850	26,700	27,800
ROW DWELLINGS	11,050	13,400	16,650	19,800	23,650	26,450	27,700
WALKUP	11,050	13,600	17,250	20,400	23,650	26,050	27,350
ELEVATOR-STRUCTURE	21,650	25,150	31,800	------	------	------	------
ORLANDO :							
DETACHED AND SEMIDETACHED	11,000	13,100	16,250	19,400	23,250	25,900	27,000
ROW DWELLINGS	10,800	12,950	16,150	19,100	22,950	25,600	26,800
WALKUP	10,300	12,900	16,300	19,300	22,300	24,600	25,800
ELEVATOR-STRUCTURE	21,100	24,400	30,900	------	------	------	------
SARASOTA :							
DETACHED AND SEMIDETACHED	11,400	13,700	17,050	20,300	24,350	27,200	28,400
ROW DWELLINGS	11,300	13,750	17,050	20,050	24,200	26,950	28,200
WALKUP	11,250	14,050	17,750	21,150	24,550	26,950	28,300
ELEVATOR-STRUCTURE	22,200	25,800	32,650	------	------	------	------
ST PETERSBURG :							
DETACHED AND SEMIDETACHED	11,000	13,100	16,250	19,400	23,250	25,900	27,000
ROW DWELLINGS	10,800	12,950	16,150	19,100	22,950	25,600	26,800
WALKUP	10,600	13,300	16,800	19,850	23,000	25,400	26,550
ELEVATOR-STRUCTURE	21,350	24,750	31,150	------	------	------	------
GEORGIA							
ATLANTA :							
DETACHED AND SEMIDETACHED	12,400	15,000	18,350	21,950	26,400	29,300	30,650
ROW DWELLINGS	11,750	14,150	17,550	20,850	25,100	27,900	29,150
WALKUP	13,300	16,450	20,950	24,650	28,650	31,400	33,100
ELEVATOR-STRUCTURE	19,250	22,300	28,300	------	------	------	------
ALBANY :							
DETACHED AND SEMIDETACHED	12,350	14,900	18,250	21,750	26,100	29,050	30,400
ROW DWELLINGS	11,700	14,100	17,400	20,650	24,800	27,700	29,000
WALKUP	13,150	16,350	20,750	24,350	28,500	31,200	32,900
ELEVATOR-STRUCTURE	19,050	22,200	28,000	------	------	------	------
AUGUSTA :							
DETACHED AND SEMIDETACHED	12,700	15,200	18,900	22,550	27,100	30,000	31,400
ROW DWELLINGS	12,150	14,550	17,900	21,550	25,850	28,650	30,000
WALKUP	13,350	16,450	20,950	24,750	28,650	31,750	33,150
ELEVATOR-STRUCTURE	17,900	20,750	26,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
GEORGIA --CONTINUED							
BRUNSWICK :							
DETACHED AND SEMIDETACHED	11,600	13,950	17,150	20,550	24,700	27,450	28,650
ROW DWELLINGS	10,950	13,250	16,350	19,450	23,400	26,050	27,350
WALKUP	12,150	15,050	19,050	22,500	26,150	28,700	30,200
ELEVATOR-STRUCTURE	19,050	22,200	28,000	------	------	------	------
COLUMBUS :							
DETACHED AND SEMIDETACHED	12,000	14,450	18,000	21,550	25,900	28,650	30,100
ROW DWELLINGS	11,650	14,000	17,200	20,550	24,700	27,400	28,650
WALKUP	13,100	16,100	20,550	24,150	28,050	31,000	32,400
ELEVATOR-STRUCTURE	18,950	22,000	27,850	------	------	------	------
MACON :							
DETACHED AND SEMIDETACHED	12,250	14,600	18,250	21,700	26,200	28,950	30,350
ROW DWELLINGS	11,750	14,100	17,300	20,650	24,900	27,650	28,950
WALKUP	12,700	15,700	19,950	23,500	27,300	30,150	31,450
ELEVATOR-STRUCTURE	18,950	22,000	27,850	------	------	------	------
ROME :							
DETACHED AND SEMIDETACHED	11,650	14,000	17,400	20,800	24,950	27,650	29,000
ROW DWELLINGS	11,150	13,450	16,550	19,800	23,650	26,300	27,550
WALKUP	12,300	15,150	19,400	22,750	26,350	29,050	30,600
ELEVATOR-STRUCTURE	18,700	21,800	27,550	------	------	------	------
SAVANNAH :							
DETACHED AND SEMIDETACHED	11,600	13,950	17,150	20,550	24,700	27,450	28,650
ROW DWELLINGS	10,950	13,250	16,350	19,450	23,400	26,050	27,350
WALKUP	12,150	15,050	19,050	22,500	26,150	28,700	30,200
ELEVATOR-STRUCTURE	19,050	22,200	28,000	------	------	------	------
VALDOSTA :							
DETACHED AND SEMIDETACHED	11,950	14,450	17,900	21,450	25,750	28,500	29,800
ROW DWELLINGS	11,500	13,850	17,100	20,350	24,350	27,100	28,400
WALKUP	12,950	15,900	20,350	23,950	27,700	30,600	32,000
ELEVATOR-STRUCTURE	18,700	21,800	27,550	------	------	------	------
KENTUCKY							
LOUISVILLE :							
DETACHED AND SEMIDETACHED	12,450	14,850	18,350	22,000	26,500	29,350	30,850
ROW DWELLINGS	11,750	14,300	17,550	20,900	25,100	27,950	29,150
WALKUP	11,000	13,600	17,300	20,450	23,700	26,000	27,400
ELEVATOR-STRUCTURE	25,950	30,250	38,250	------	------	------	------
ASHLAND :							
DETACHED AND SEMIDETACHED	12,800	15,400	19,000	22,750	27,400	30,400	31,900
ROW DWELLINGS	12,150	14,700	18,250	21,550	25,950	28,850	30,100
WALKUP	11,050	13,700	17,350	20,500	23,850	26,350	27,550
ELEVATOR-STRUCTURE	26,750	31,300	39,500	------	------	------	------
BOWLING GREEN :							
DETACHED AND SEMIDETACHED	11,950	14,400	17,650	21,200	25,600	28,350	29,750
ROW DWELLINGS	11,400	13,700	17,050	20,150	24,350	27,000	28,300
WALKUP	10,150	12,600	16,050	19,050	22,000	24,250	25,500
ELEVATOR-STRUCTURE	25,100	29,150	36,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
KENTUCKY --CONTINUED							
CORBIN :							
DETACHED AND SEMIDETACHED	12,450	14,850	18,350	22,000	26,500	29,350	30,850
ROW DWELLINGS	11,750	14,300	17,550	20,900	25,100	27,950	29,150
WALKUP	10,500	13,050	16,600	19,600	22,800	25,100	26,400
ELEVATOR-STRUCTURE	25,950	30,250	38,250	------	------	------	------
COVINGTON :							
DETACHED AND SEMIDETACHED	13,350	16,050	19,700	23,550	28,400	31,600	33,050
ROW DWELLINGS	12,600	15,250	18,900	22,400	27,000	29,950	31,400
WALKUP	11,750	14,650	18,550	21,900	25,400	27,900	29,400
ELEVATOR-STRUCTURE	27,400	32,000	40,250	------	------	------	------
FRANKFORT :							
DETACHED AND SEMIDETACHED	11,600	13,850	17,150	20,600	24,800	27,400	28,800
ROW DWELLINGS	11,000	13,250	16,450	19,500	23,500	26,100	27,250
WALKUP	10,200	12,800	16,150	19,150	22,050	24,500	25,650
ELEVATOR-STRUCTURE	23,850	27,950	35,200	------	------	------	------
HOPKINSVILLE :							
DETACHED AND SEMIDETACHED	11,800	14,100	17,400	20,900	25,150	27,950	29,200
ROW DWELLINGS	11,200	13,500	16,750	19,800	23,850	26,600	27,800
WALKUP	9,550	11,900	15,050	17,850	20,700	22,850	24,000
ELEVATOR-STRUCTURE	24,600	28,750	36,300	------	------	------	------
LEXINGTON :							
DETACHED AND SEMIDETACHED	12,000	14,500	17,750	21,350	25,800	28,600	29,900
ROW DWELLINGS	11,450	13,750	17,150	20,300	24,400	27,150	28,450
WALKUP	11,350	14,050	17,800	21,100	24,500	26,900	28,300
ELEVATOR-STRUCTURE	25,950	30,250	38,250	------	------	------	------
MIDDLESBORO :							
DETACHED AND SEMIDETACHED	12,450	14,850	18,350	22,000	26,500	29,350	30,850
ROW DWELLINGS	11,750	14,300	17,550	20,900	25,100	27,950	29,150
WALKUP	10,600	13,150	16,750	19,900	22,950	25,200	26,550
ELEVATOR-STRUCTURE	25,950	30,250	38,250	------	------	------	------
MURRAY :							
DETACHED AND SEMIDETACHED	11,800	14,100	17,400	20,900	25,150	27,950	29,200
ROW DWELLINGS	11,200	13,500	16,750	19,800	23,850	26,600	27,800
WALKUP	9,300	11,700	14,700	17,450	20,250	22,400	23,400
ELEVATOR-STRUCTURE	24,600	28,750	36,300	------	------	------	------
NEWPORT :							
DETACHED AND SEMIDETACHED	12,650	15,250	18,600	22,450	27,100	29,900	31,500
ROW DWELLINGS	12,050	14,600	17,950	21,250	25,750	28,500	29,850
WALKUP	10,800	13,400	16,850	20,050	23,200	25,650	26,900
ELEVATOR-STRUCTURE	26,200	30,550	38,600	------	------	------	------
OWENSBORO :							
DETACHED AND SEMIDETACHED	12,650	15,250	18,600	22,450	27,100	29,900	31,500
ROW DWELLINGS	12,050	14,600	17,950	21,250	25,750	28,500	29,850
WALKUP	10,800	13,400	16,850	20,050	23,200	25,650	26,900
ELEVATOR-STRUCTURE	26,200	30,550	38,600	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
KENTUCKY --CONTINUED	REGION IV--CONTINUED						
PADUCAH							
DETACHED AND SEMIDETACHED	11,600	13,850	17,150	20,600	24,800	27,400	28,800
ROW DWELLINGS	11,000	13,250	16,450	19,500	23,500	26,150	27,250
WALKUP	10,200	12,800	16,150	19,150	22,050	24,500	25,650
ELEVATOR-STRUCTURE	24,600	28,750	36,300	------	------	------	------
MISSISSIPPI							
JACKSON							
DETACHED AND SEMIDETACHED	12,650	15,300	18,850	22,550	27,150	30,100	31,550
ROW DWELLINGS	12,400	14,900	18,250	21,850	26,250	29,050	30,600
WALKUP	11,500	14,400	18,450	21,750	25,100	27,750	29,050
ELEVATOR-STRUCTURE	22,050	25,500	32,350	------	------	------	------
CORINTH							
DETACHED AND SEMIDETACHED	12,900	15,600	19,250	23,000	27,750	30,800	32,200
ROW DWELLINGS	12,100	14,750	18,250	21,650	26,200	29,000	30,400
WALKUP	12,050	14,900	19,000	22,350	26,050	28,500	29,900
ELEVATOR-STRUCTURE	22,450	26,000	32,800	------	------	------	------
GREENVILLE							
DETACHED AND SEMIDETACHED	12,650	15,300	18,850	22,550	27,150	30,100	31,550
ROW DWELLINGS	12,400	14,900	18,250	21,850	26,250	29,050	30,600
WALKUP	11,500	14,400	18,450	21,750	25,100	27,750	29,050
ELEVATOR-STRUCTURE	21,800	25,400	32,250	------	------	------	------
GREENWOOD							
DETACHED AND SEMIDETACHED	12,650	15,300	18,850	22,550	27,150	30,100	31,550
ROW DWELLINGS	12,400	14,900	18,250	21,850	26,250	29,050	30,600
WALKUP	12,050	15,050	19,100	22,500	26,100	28,700	30,150
ELEVATOR-STRUCTURE	22,050	25,500	32,350	------	------	------	------
GULFPORT							
DETACHED AND SEMIDETACHED	12,700	15,400	18,900	22,600	27,200	30,150	31,700
ROW DWELLINGS	12,450	14,950	18,450	21,900	26,300	29,150	30,650
WALKUP	11,350	14,250	18,050	21,200	24,600	27,050	28,300
ELEVATOR-STRUCTURE	22,200	25,900	32,700	------	------	------	------
HATTIESBURG							
DETACHED AND SEMIDETACHED	12,650	15,300	18,850	22,550	27,150	30,100	31,550
ROW DWELLINGS	12,400	14,900	18,250	21,850	26,250	29,050	30,600
WALKUP	11,500	14,400	18,450	21,750	25,100	27,750	29,050
ELEVATOR-STRUCTURE	22,050	25,500	32,350	------	------	------	------
SOUTHAVEN							
DETACHED AND SEMIDETACHED	12,500	14,950	18,650	22,100	26,700	29,550	31,100
ROW DWELLINGS	12,150	14,700	18,100	21,450	25,850	28,700	30,050
WALKUP	12,200	15,200	19,400	22,700	26,450	29,250	30,600
ELEVATOR-STRUCTURE	21,500	25,200	31,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
NORTH CAROLINA							
GREENSBORO :							
DETACHED AND SEMIDETACHED	13,300	15,900	19,350	23,150	27,600	30,650	32,000
ROW DWELLINGS	12,800	15,050	18,650	22,000	26,350	29,300	30,650
WALKUP	11,900	14,450	18,250	21,500	24,900	27,200	28,650
ELEVATOR-STRUCTURE	20,500	23,900	30,250	-------	-------	-------	-------
ASHEVILLE :							
DETACHED AND SEMIDETACHED	13,700	16,350	20,000	23,900	28,500	31,600	33,050
ROW DWELLINGS	13,350	15,950	19,500	22,950	27,650	30,750	32,000
WALKUP	12,550	15,550	19,550	22,900	26,400	28,600	30,500
ELEVATOR-STRUCTURE	21,100	24,400	30,900	-------	-------	-------	-------
CHARLOTTE :							
DETACHED AND SEMIDETACHED	13,500	16,100	19,650	23,450	28,000	31,100	32,450
ROW DWELLINGS	13,000	15,450	18,950	22,350	26,700	29,650	31,050
WALKUP	12,550	15,450	19,500	22,850	26,350	28,800	30,350
ELEVATOR-STRUCTURE	20,500	23,900	30,250	-------	-------	-------	-------
* CHEROKEE :							
DETACHED AND SEMIDETACHED	14,750	17,600	21,650	25,850	30,700	34,000	35,550
ROW DWELLINGS	-------	-------	-------	-------	-------	-------	-------
WALKUP	-------	-------	-------	-------	-------	-------	-------
ELEVATOR-STRUCTURE	-------	-------	-------	-------	-------	-------	-------
DURHAM :							
DETACHED AND SEMIDETACHED	13,050	15,550	19,050	22,750	27,150	30,200	31,600
ROW DWELLINGS	12,750	15,050	18,500	21,850	26,250	29,150	30,450
WALKUP	11,800	13,850	18,250	21,450	24,700	26,950	28,450
ELEVATOR-STRUCTURE	20,400	23,850	30,150	-------	-------	-------	-------
ELIZABETH CITY :							
DETACHED AND SEMIDETACHED	14,300	17,200	20,850	24,850	29,750	33,100	34,500
ROW DWELLINGS	12,700	15,300	18,650	22,250	26,700	29,600	30,850
WALKUP	12,650	15,550	19,650	22,900	26,450	29,200	30,550
ELEVATOR-STRUCTURE	20,850	24,250	30,650	-------	-------	-------	-------
GREENVILLE :							
DETACHED AND SEMIDETACHED	13,100	15,700	19,100	22,750	27,300	30,300	31,650
ROW DWELLINGS	12,750	15,100	18,600	21,750	26,200	29,100	30,400
WALKUP	11,500	14,150	18,000	20,950	24,150	26,400	27,850
ELEVATOR-STRUCTURE	20,150	22,900	28,450	-------	-------	-------	-------
RALEIGH :							
DETACHED AND SEMIDETACHED	13,100	15,750	19,150	22,900	27,350	30,300	31,650
ROW DWELLINGS	12,750	15,250	18,500	21,850	26,250	29,150	30,450
WALKUP	11,600	14,350	18,050	21,400	24,650	27,000	28,450
ELEVATOR-STRUCTURE	20,400	23,850	30,150	-------	-------	-------	-------
WILMINGTON :							
DETACHED AND SEMIDETACHED	12,800	15,400	18,900	22,750	27,350	30,350	31,700
ROW DWELLINGS	12,500	14,850	18,050	21,250	25,350	28,150	29,500
WALKUP	12,350	15,100	19,050	22,200	25,750	28,150	29,550
ELEVATOR-STRUCTURE	20,500	23,600	29,400	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
NORTH CAROLINA --CONTINUED							
WINSTON-SALEM :							
DETACHED AND SEMIDETACHED	13,450	16,000	19,550	23,350	28,000	30,900	32,400
ROW DWELLINGS	12,600	15,000	18,350	21,650	26,000	28,850	30,100
WALKUP	12,150	14,950	18,800	22,000	25,350	27,650	29,150
ELEVATOR-STRUCTURE	20,400	23,850	30,150	------	------	------	------
FAYETTEVILLE :							
DETACHED AND SEMIDETACHED	13,100	15,750	19,150	22,900	27,350	30,300	31,650
ROW DWELLINGS	12,650	15,000	18,350	21,650	26,000	28,850	30,100
WALKUP	12,150	14,950	18,850	22,050	25,550	27,850	29,250
ELEVATOR-STRUCTURE	20,000	22,900	28,400	------	------	------	------
SOUTH CAROLINA							
COLUMBIA :							
DETACHED AND SEMIDETACHED	15,250	18,450	22,650	27,150	32,600	36,250	37,950
ROW DWELLINGS	14,700	17,600	21,700	25,800	31,150	34,550	36,200
WALKUP	12,350	15,350	19,500	23,350	26,600	29,200	30,900
ELEVATOR-STRUCTURE	26,600	30,950	38,950	------	------	------	------
AIKEN :							
DETACHED AND SEMIDETACHED	15,250	18,450	22,650	27,150	32,550	36,300	38,000
ROW DWELLINGS	14,650	17,600	21,700	25,750	31,150	34,450	36,200
WALKUP	12,850	16,000	20,250	23,900	27,700	30,550	32,200
ELEVATOR-STRUCTURE	27,000	31,350	39,750	------	------	------	------
ANDERSON :							
DETACHED AND SEMIDETACHED	15,050	18,200	22,400	26,850	32,300	35,800	37,700
ROW DWELLINGS	14,550	17,350	21,550	25,600	30,800	34,200	35,700
WALKUP	11,950	14,700	18,850	22,300	25,700	28,450	29,950
ELEVATOR-STRUCTURE	26,900	31,150	39,100	------	------	------	------
BEAUFORT :							
DETACHED AND SEMIDETACHED	15,550	18,850	23,150	27,750	33,400	37,050	38,950
ROW DWELLINGS	15,050	18,250	22,250	26,400	31,700	35,350	37,100
WALKUP	12,650	15,750	19,850	23,400	27,250	30,050	31,500
ELEVATOR-STRUCTURE	27,300	31,600	39,950	------	------	------	------
CHARLESTON :							
DETACHED AND SEMIDETACHED	16,750	20,300	25,000	29,950	36,000	39,900	41,950
ROW DWELLINGS	16,150	19,400	24,150	28,650	34,400	38,200	39,950
WALKUP	13,250	16,650	21,000	24,800	28,750	31,600	33,250
ELEVATOR-STRUCTURE	27,950	32,400	40,950	------	------	------	------
FLORENCE :							
DETACHED AND SEMIDETACHED	14,600	17,700	21,700	26,150	31,350	34,950	36,550
ROW DWELLINGS	14,000	16,850	20,800	24,850	29,950	33,150	34,800
WALKUP	11,800	14,800	18,750	22,050	25,550	28,200	29,850
ELEVATOR-STRUCTURE	27,000	31,350	39,750	------	------	------	------
GREENVILLE :							
DETACHED AND SEMIDETACHED	15,300	18,550	22,800	27,200	32,850	36,500	38,200
ROW DWELLINGS	14,750	17,700	21,800	26,000	31,300	34,800	36,400
WALKUP	12,000	15,000	18,900	22,350	25,950	28,700	30,150
ELEVATOR-STRUCTURE	27,000	31,350	39,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
SOUTH CAROLINA --CONTINUED							
GREENWOOD							
DETACHED AND SEMIDETACHED	15,300	18,550	22,900	27,350	32,800	36,500	38,250
ROW DWELLINGS	14,750	17,700	21,900	26,000	31,300	34,900	36,400
WALKUP	12,400	15,400	19,700	23,150	26,700	29,700	31,250
ELEVATOR-STRUCTURE	26,900	31,150	39,100	------	------	------	------
MYRTLE BEACH							
DETACHED AND SEMIDETACHED	15,550	18,850	23,150	27,750	33,400	37,050	38,950
ROW DWELLINGS	15,050	18,250	22,250	26,400	31,700	35,350	37,100
WALKUP	12,650	15,750	19,850	23,400	27,250	30,050	31,500
ELEVATOR-STRUCTURE	27,300	31,600	39,950	------	------	------	------
NORTH AUGUSTA							
DETACHED AND SEMIDETACHED	16,250	19,550	24,100	28,850	34,600	38,300	40,300
ROW DWELLINGS	15,400	18,650	23,000	27,250	33,100	36,550	38,200
WALKUP	13,000	16,250	20,650	24,200	28,100	31,100	32,700
ELEVATOR-STRUCTURE	28,200	32,750	41,350	------	------	------	------
ORANGEBURG							
DETACHED AND SEMIDETACHED	15,250	18,450	22,650	27,150	32,600	36,250	37,950
ROW DWELLINGS	14,700	17,600	21,700	25,800	31,150	34,550	36,200
WALKUP	12,350	15,350	19,500	23,350	26,800	29,200	30,900
ELEVATOR-STRUCTURE	26,600	30,950	38,950	------	------	------	------
ROCKHILL							
DETACHED AND SEMIDETACHED	15,350	18,700	22,950	27,600	33,050	36,850	38,600
ROW DWELLINGS	14,900	17,900	22,000	26,150	31,550	35,100	36,700
WALKUP	12,550	15,750	19,800	23,350	27,050	29,850	31,450
ELEVATOR-STRUCTURE	27,000	31,350	39,750	------	------	------	------
SPARTANSBURG							
DETACHED AND SEMIDETACHED	15,750	18,950	23,200	27,900	33,650	37,250	39,000
ROW DWELLINGS	15,050	18,050	22,350	26,550	32,050	35,600	37,150
WALKUP	12,650	15,850	19,900	23,500	27,350	30,150	31,600
ELEVATOR-STRUCTURE	27,000	31,350	39,750	------	------	------	------
TENNESSEE							
KNOXVILLE							
DETACHED AND SEMIDETACHED	13,400	16,100	19,800	23,800	28,750	31,750	33,300
ROW DWELLINGS	14,450	17,350	21,500	25,550	30,750	34,050	35,800
WALKUP	12,400	15,500	19,650	23,250	27,000	29,700	31,200
ELEVATOR-STRUCTURE	19,850	23,050	29,050	------	------	------	------
CHATTANOOGA							
DETACHED AND SEMIDETACHED	13,000	15,600	19,200	23,050	27,850	30,600	32,150
ROW DWELLINGS	15,250	18,300	22,750	27,050	32,450	36,150	37,900
WALKUP	13,350	16,700	21,200	25,050	29,100	32,050	33,650
ELEVATOR-STRUCTURE	21,300	24,800	31,150	------	------	------	------
JOHNSON CITY							
DETACHED AND SEMIDETACHED	12,700	15,350	18,850	22,450	27,200	30,150	31,550
ROW DWELLINGS	13,750	16,450	20,350	24,300	29,150	32,300	33,950
WALKUP	12,400	15,500	19,650	23,250	26,900	29,650	31,200
ELEVATOR-STRUCTURE	19,850	23,050	29,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
TENNESSEE --CONTINUED							
KINGSPORT :							
DETACHED AND SEMIDETACHED	13,150	15,900	19,500	23,350	28,250	31,150	32,800
ROW DWELLINGS	14,250	17,100	21,100	25,150	30,200	33,500	35,150
WALKUP	11,750	14,600	18,400	21,850	25,350	27,950	29,250
ELEVATOR-STRUCTURE	19,850	23,050	29,050	------	------	------	------
OAK RIDGE :							
DETACHED AND SEMIDETACHED	13,000	15,600	19,250	23,050	27,800	30,850	32,250
ROW DWELLINGS	14,050	16,900	20,900	24,850	29,950	33,150	34,850
WALKUP	12,400	15,500	19,650	23,250	27,000	29,700	31,200
ELEVATOR-STRUCTURE	19,850	23,050	29,050	------	------	------	------
MEMPHIS :							
DETACHED AND SEMIDETACHED	15,100	18,350	22,600	26,950	32,550	36,200	37,800
ROW DWELLINGS	14,300	17,400	21,600	25,600	30,750	34,250	35,850
WALKUP	12,450	15,400	19,700	23,200	26,900	29,550	31,050
ELEVATOR-STRUCTURE	20,450	23,700	29,900	------	------	------	------
JACKSON :							
DETACHED AND SEMIDETACHED	16,350	19,800	24,350	29,100	35,150	39,050	40,700
ROW DWELLINGS	15,450	18,850	23,250	27,600	33,150	37,000	38,850
WALKUP	13,850	17,050	21,950	25,850	29,850	32,850	34,550
ELEVATOR-STRUCTURE	20,450	23,700	29,900	------	------	------	------
UNION CITY :							
DETACHED AND SEMIDETACHED	16,400	19,950	24,500	29,250	35,400	39,250	41,100
ROW DWELLINGS	15,550	18,900	23,350	27,750	33,500	37,250	39,150
WALKUP	12,200	15,000	19,300	22,800	26,350	29,000	30,500
ELEVATOR-STRUCTURE	22,350	25,900	32,650	------	------	------	------
NASHVILLE :							
DETACHED AND SEMIDETACHED	13,150	15,800	19,500	23,300	28,050	31,250	32,600
ROW DWELLINGS	13,900	16,950	20,700	24,700	29,750	33,150	34,750
WALKUP	11,900	14,850	18,900	22,250	25,900	28,500	29,950
ELEVATOR-STRUCTURE	16,400	19,150	24,200	------	------	------	------
CLARKSVILLE :							
DETACHED AND SEMIDETACHED	12,600	15,300	18,800	22,450	27,150	30,150	31,600
ROW DWELLINGS	13,550	16,250	20,000	23,900	28,700	31,900	33,500
WALKUP	10,950	13,650	17,450	20,500	23,800	26,200	27,500
ELEVATOR-STRUCTURE	17,150	20,000	25,300	------	------	------	------
COLUMBIA :							
DETACHED AND SEMIDETACHED	13,200	15,850	19,600	23,400	28,100	31,300	32,750
ROW DWELLINGS	13,950	17,000	20,750	24,800	29,850	33,200	34,800
WALKUP	12,000	14,950	19,200	22,350	26,100	28,750	30,250
ELEVATOR-STRUCTURE	17,650	20,750	26,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V							
ILLINOIS							
CHICAGO :							
DETACHED AND SEMIDETACHED	25,000	30,550	37,400	44,550	53,600	59,750	62,550
ROW DWELLINGS	23,850	28,850	35,400	42,300	50,850	56,550	59,250
WALKUP	20,600	25,500	32,250	38,300	41,350	48,750	51,250
ELEVATOR-STRUCTURE	22,000	25,600	32,400	------	------	------	------
AURORA :							
DETACHED AND SEMIDETACHED	20,300	24,750	30,350	36,150	43,450	48,450	50,700
ROW DWELLINGS	19,350	23,350	28,750	34,350	41,300	45,900	48,150
WALKUP	16,750	20,750	26,200	31,100	33,600	39,700	41,650
ELEVATOR-STRUCTURE	22,200	25,900	32,700	------	------	------	------
MOLINE :							
DETACHED AND SEMIDETACHED	19,700	23,950	29,550	35,150	42,400	47,100	49,300
ROW DWELLINGS	18,250	22,050	27,200	32,400	39,050	43,350	45,500
WALKUP	15,800	19,650	24,850	29,500	31,650	37,450	39,200
ELEVATOR-STRUCTURE	20,900	24,300	30,750	------	------	------	------
ROCKFORD :							
DETACHED AND SEMIDETACHED	19,250	23,300	28,650	34,250	41,200	45,700	47,950
ROW DWELLINGS	17,900	21,550	26,600	31,600	37,950	42,300	44,400
WALKUP	15,500	19,200	24,300	28,750	30,900	36,650	38,250
ELEVATOR-STRUCTURE	20,450	23,600	30,000	------	------	------	------
ROCK ISLAND :							
DETACHED AND SEMIDETACHED	19,700	23,950	29,550	35,150	42,400	47,100	49,300
ROW DWELLINGS	18,250	22,050	27,200	32,400	39,050	43,350	45,500
WALKUP	15,800	19,650	24,850	29,500	31,650	37,450	39,200
ELEVATOR-STRUCTURE	20,900	24,300	30,750	------	------	------	------
STERLING :							
DETACHED AND SEMIDETACHED	19,600	23,750	29,300	34,850	41,950	46,750	48,950
ROW DWELLINGS	18,100	21,800	27,200	32,250	38,600	43,100	45,100
WALKUP	15,700	19,550	24,800	29,200	31,600	37,200	39,000
ELEVATOR-STRUCTURE	20,850	24,200	30,550	------	------	------	------
SPRINGFIELD :							
DETACHED AND SEMIDETACHED	18,050	21,950	26,950	32,250	38,750	43,050	45,150
ROW DWELLINGS	17,350	20,800	25,700	30,650	36,900	41,100	42,950
WALKUP	15,000	18,600	23,600	28,000	32,250	35,800	35,800
ELEVATOR-STRUCTURE	21,850	25,300	32,000	------	------	------	------
BELLEVILLE :							
DETACHED AND SEMIDETACHED	18,800	22,700	28,150	33,500	40,300	44,800	47,050
ROW DWELLINGS	18,150	21,700	26,850	31,950	38,400	42,900	44,750
WALKUP	15,550	19,350	24,550	29,000	33,600	37,200	39,050
ELEVATOR-STRUCTURE	21,950	25,450	32,200	------	------	------	------
CARBONDALE :							
DETACHED AND SEMIDETACHED	18,050	21,950	26,950	32,250	38,750	43,050	45,150
ROW DWELLINGS	17,350	20,800	25,700	30,500	36,900	41,100	42,950
WALKUP	15,000	18,600	23,600	28,000	32,250	35,800	37,400
ELEVATOR-STRUCTURE	21,850	25,300	32,100	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
ILLINOIS --CONTINUED							
CHAMPAIGN :							
DETACHED AND SEMIDETACHED	17,350	20,900	26,050	30,950	37,050	41,250	43,300
ROW DWELLINGS	16,750	20,100	24,700	29,650	35,450	39,650	41,250
WALKUP	14,500	17,950	22,750	26,950	31,000	34,250	36,150
ELEVATOR-STRUCTURE	21,050	24,300	30,700	------	------	------	------
DANVILLE :							
DETACHED AND SEMIDETACHED	18,200	22,100	27,200	32,450	39,050	43,350	45,350
ROW DWELLINGS	17,500	21,100	25,950	30,850	37,150	41,300	43,200
WALKUP	15,200	18,750	23,750	28,150	32,600	36,050	37,800
ELEVATOR-STRUCTURE	21,950	25,450	32,200	------	------	------	------
EAST ST LOUIS :							
DETACHED AND SEMIDETACHED	17,850	21,500	26,750	31,900	38,200	42,550	44,550
ROW DWELLINGS	17,050	20,450	25,400	30,150	36,250	40,550	42,300
WALKUP	13,850	17,200	21,850	25,800	29,750	32,950	34,550
ELEVATOR-STRUCTURE	23,700	27,500	34,800	------	------	------	------
LA SALLE :							
DETACHED AND SEMIDETACHED	19,650	23,750	29,400	35,050	42,150	46,800	49,150
ROW DWELLINGS	18,900	22,700	28,050	33,350	40,100	44,700	46,750
WALKUP	15,350	19,100	23,950	28,500	32,800	36,400	38,100
ELEVATOR-STRUCTURE	22,950	26,700	33,800	------	------	------	------
PEORIA :							
DETACHED AND SEMIDETACHED	18,350	22,150	27,450	32,750	39,300	43,800	45,850
ROW DWELLINGS	17,600	21,200	26,200	31,100	37,500	41,750	43,750
WALKUP	15,350	18,850	23,950	28,500	32,900	36,350	38,100
ELEVATOR-STRUCTURE	22,300	25,950	32,650	------	------	------	------
QUINCY :							
DETACHED AND SEMIDETACHED	17,200	20,850	25,700	30,800	36,850	41,050	43,000
ROW DWELLINGS	16,600	19,950	24,450	29,250	35,150	39,000	41,000
WALKUP	14,250	17,800	22,450	26,500	30,850	34,050	35,800
ELEVATOR-STRUCTURE	20,750	24,100	30,450	------	------	------	------
INDIANA							
INDIANAPOLIS :							
DETACHED AND SEMIDETACHED	15,050	18,150	22,350	26,700	32,050	35,650	37,300
ROW DWELLINGS	14,200	17,150	23,600	25,350	30,300	33,850	35,300
WALKUP	12,250	15,400	19,400	22,950	26,500	29,300	30,700
ELEVATOR-STRUCTURE	24,100	28,150	35,550	------	------	------	------
BLOOMINGTON :							
DETACHED AND SEMIDETACHED	14,800	17,850	22,000	26,300	31,550	35,100	36,750
ROW DWELLINGS	14,550	17,500	21,600	25,650	30,850	34,350	35,900
WALKUP	12,650	15,850	20,000	23,650	27,500	30,300	31,700
ELEVATOR-STRUCTURE	24,600	28,450	36,250	------	------	------	------
EVANSVILLE :							
DETACHED AND SEMIDETACHED	14,350	17,300	21,350	25,550	30,600	32,700	35,650
ROW DWELLINGS	15,700	18,750	23,200	27,550	33,200	37,050	38,700
WALKUP	12,850	16,150	20,400	24,150	27,950	30,750	32,300
ELEVATOR-STRUCTURE	23,800	27,700	35,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
INDIANA --CONTINUED							
FORT WAYNE :							
DETACHED AND SEMIDETACHED	14,550	17,600	21,650	25,800	31,000	34,800	36,100
ROW DWELLINGS	13,850	16,700	20,500	24,450	29,350	32,850	34,300
WALKUP	12,150	15,200	19,300	22,650	26,250	28,950	30,450
ELEVATOR-STRUCTURE	24,050	27,850	35,400	------	------	------	------
GARY :							
DETACHED AND SEMIDETACHED	15,200	18,400	22,700	27,100	32,500	36,050	37,800
ROW DWELLINGS	17,450	21,150	26,100	31,000	37,300	41,700	43,400
WALKUP	15,550	19,300	24,300	28,750	31,200	36,600	38,600
ELEVATOR-STRUCTURE	24,050	27,950	35,400	------	------	------	------
HAMMOND :							
DETACHED AND SEMIDETACHED	15,950	19,450	23,900	28,450	34,150	38,100	39,850
ROW DWELLINGS	20,700	25,100	30,900	36,700	44,150	49,350	51,450
WALKUP	13,350	16,750	21,050	24,900	28,850	31,750	33,400
ELEVATOR-STRUCTURE	24,550	28,450	36,050	------	------	------	------
LAFAYETTE :							
DETACHED AND SEMIDETACHED	15,400	18,650	22,900	27,350	32,700	36,550	38,300
ROW DWELLINGS	14,550	17,500	21,650	25,800	31,000	34,550	36,100
WALKUP	12,550	15,700	19,950	23,500	27,200	30,000	31,450
ELEVATOR-STRUCTURE	24,850	28,800	36,400	------	------	------	------
SOUTH BEND :							
DETACHED AND SEMIDETACHED	15,500	18,750	23,050	27,550	33,050	36,850	38,550
ROW DWELLINGS	15,950	19,300	23,750	28,200	33,900	37,950	39,600
WALKUP	12,850	16,100	20,300	23,950	27,700	30,500	32,050
ELEVATOR-STRUCTURE	25,000	29,100	36,800	------	------	------	------
TERRE HAUTE :							
DETACHED AND SEMIDETACHED	15,900	19,250	23,800	28,350	33,950	37,800	39,550
ROW DWELLINGS	18,300	21,950	27,150	32,300	38,700	43,200	45,250
WALKUP	13,850	17,100	21,700	25,750	29,800	32,750	34,450
ELEVATOR-STRUCTURE	25,350	29,450	37,400	------	------	------	------
MICHIGAN							
DETROIT :							
DETACHED AND SEMIDETACHED	17,700	18,750	23,000	27,500	33,050	36,850	38,450
ROW DWELLINGS	15,150	18,250	22,550	26,850	32,400	36,000	37,650
WALKUP	14,500	17,900	22,800	26,950	31,100	34,350	36,100
ELEVATOR-STRUCTURE	20,400	23,750	30,050	------	------	------	------
ANN ARBOR :							
DETACHED AND SEMIDETACHED	19,100	20,150	24,700	29,550	35,600	39,600	41,350
ROW DWELLINGS	16,250	19,650	24,300	28,850	34,850	38,700	40,550
WALKUP	15,100	18,650	23,600	28,000	32,300	35,750	37,450
ELEVATOR-STRUCTURE	20,400	23,750	30,050	------	------	------	------
FLINT :							
DETACHED AND SEMIDETACHED	19,800	20,950	25,750	30,750	36,950	41,200	43,300
ROW DWELLINGS	17,000	20,500	25,300	30,050	36,100	40,200	42,250
WALKUP	14,150	17,650	22,250	26,400	30,650	33,700	35,300
ELEVATOR-STRUCTURE	19,600	22,800	28,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MICHIGAN --CONTINUED							
SAGINAW :							
DETACHED AND SEMIDETACHED	18,300	19,400	23,800	28,300	34,050	37,950	39,800
ROW DWELLINGS	15,700	18,950	23,250	27,750	33,350	37,100	38,950
WALKUP	14,300	17,850	22,550	26,850	31,100	34,200	35,900
ELEVATOR-STRUCTURE	19,600	22,800	28,950	------	------	------	------
YPSILANTI :							
DETACHED AND SEMIDETACHED	20,150	21,300	26,150	31,100	37,450	41,750	43,700
ROW DWELLINGS	17,350	20,700	25,650	30,550	36,800	40,800	42,850
WALKUP	14,500	18,000	22,650	26,950	31,100	34,350	36,150
ELEVATOR-STRUCTURE	20,150	23,550	29,750	------	------	------	------
GRAND RAPIDS :							
DETACHED AND SEMIDETACHED	17,650	21,350	26,300	31,300	37,700	42,150	43,950
ROW DWELLINGS	16,800	20,250	25,100	29,750	35,700	39,850	41,650
WALKUP	14,350	18,050	22,850	26,900	31,250	34,550	36,150
ELEVATOR-STRUCTURE	25,900	30,200	38,000	------	------	------	------
BATTLE CREEK :							
DETACHED AND SEMIDETACHED	18,150	21,850	26,900	32,150	38,700	43,050	45,000
ROW DWELLINGS	17,200	20,700	25,550	30,500	36,700	40,900	42,700
WALKUP	14,350	17,800	22,700	26,850	31,000	34,300	35,950
ELEVATOR-STRUCTURE	26,500	30,850	38,850	------	------	------	------
BENTON HARBOR :							
DETACHED AND SEMIDETACHED	19,550	23,600	29,000	34,600	41,600	46,550	48,500
ROW DWELLINGS	18,600	22,400	27,600	32,850	39,450	42,050	45,950
WALKUP	15,300	19,050	24,150	28,650	32,950	36,500	38,350
ELEVATOR-STRUCTURE	27,800	32,450	40,900	------	------	------	------
JACKSON :							
DETACHED AND SEMIDETACHED	18,750	22,850	28,150	33,400	40,400	45,000	47,000
ROW DWELLINGS	18,000	21,500	26,700	31,800	38,250	42,550	44,550
WALKUP	15,350	19,350	24,400	28,900	33,250	36,950	38,650
ELEVATOR-STRUCTURE	27,650	32,150	40,600	------	------	------	------
KALAMAZOO :							
DETACHED AND SEMIDETACHED	17,800	21,450	26,550	31,550	38,050	42,550	44,200
ROW DWELLINGS	16,950	20,400	25,250	29,950	36,100	40,100	42,100
WALKUP	13,650	17,150	21,750	25,650	29,750	32,850	34,400
ELEVATOR-STRUCTURE	26,150	30,350	38,350	------	------	------	------
LANSING :							
DETACHED AND SEMIDETACHED	21,000	25,300	31,250	37,200	44,700	49,950	52,250
ROW DWELLINGS	20,000	28,200	29,750	35,350	42,500	47,200	49,550
WALKUP	14,950	18,700	23,650	28,000	32,400	35,850	37,550
ELEVATOR-STRUCTURE	26,900	31,600	39,750	------	------	------	------
* MANISTIQUE :							
DETACHED AND SEMIDETACHED	17,200	20,800	25,550	30,400	36,500	40,900	42,550
ROW DWELLINGS	19,600	23,500	28,950	34,450	41,450	46,200	48,350
WALKUP	14,700	18,300	23,100	27,450	31,650	35,100	36,550
ELEVATOR-STRUCTURE	29,700	34,700	43,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MICHIGAN --CONTINUED							
MARQUETTE :							
DETACHED AND SEMIDETACHED	17,050	20,700	25,400	30,250	36,550	40,750	42,600
ROW DWELLINGS	16,200	19,600	24,150	28,750	34,550	38,400	40,300
WALKUP	13,850	17,400	21,950	25,900	30,050	33,250	34,850
ELEVATOR-STRUCTURE	24,550	28,700	36,100	------	------	------	------
MUSKEGON :							
DETACHED AND SEMIDETACHED	17,800	21,450	26,550	31,600	38,050	42,550	44,300
ROW DWELLINGS	17,000	20,400	25,250	29,950	35,900	40,100	42,150
WALKUP	12,750	15,950	20,150	23,850	27,500	30,400	31,900
ELEVATOR-STRUCTURE	25,900	30,200	38,000	------	------	------	------
TRAVERSE CITY :							
DETACHED AND SEMIDETACHED	19,500	23,550	29,000	34,600	41,500	46,450	48,400
ROW DWELLINGS	18,600	22,400	27,600	32,750	39,450	44,000	46,100
WALKUP	13,950	17,400	22,050	26,150	30,200	33,500	34,850
ELEVATOR-STRUCTURE	28,400	33,100	41,700	------	------	------	------
MINNESOTA							
MINNEAPOLIS :							
DETACHED AND SEMIDETACHED	20,150	24,350	30,100	35,950	43,150	48,000	50,250
ROW DWELLINGS	19,150	23,300	28,550	34,100	41,000	45,600	47,700
WALKUP	16,650	20,850	26,200	30,900	35,700	39,500	41,400
ELEVATOR-STRUCTURE	23,500	27,200	34,550	------	------	------	------
* CASS LAKE :							
DETACHED AND SEMIDETACHED	25,600	30,850	38,100	45,500	54,600	60,900	63,750
ROW DWELLINGS	24,500	29,350	36,200	43,250	51,900	57,900	60,450
WALKUP	21,000	26,000	33,100	39,100	45,200	48,050	52,350
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
DULUTH :							
DETACHED AND SEMIDETACHED	20,450	24,750	30,450	36,450	43,750	48,800	51,050
ROW DWELLINGS	19,600	23,550	29,100	34,650	41,600	46,400	48,500
WALKUP	17,600	21,800	27,750	32,650	37,800	41,850	43,800
ELEVATOR-STRUCTURE	23,850	27,700	34,950	------	------	------	------
MANKATO :							
DETACHED AND SEMIDETACHED	19,100	23,400	28,700	34,250	41,250	45,950	48,000
ROW DWELLINGS	18,450	22,150	27,350	32,600	39,300	43,650	45,600
WALKUP	17,600	21,700	27,600	32,650	37,650	41,550	43,800
ELEVATOR-STRUCTURE	22,450	26,050	32,850	------	------	------	------
ROCHESTER :							
DETACHED AND SEMIDETACHED	19,700	23,850	29,450	35,050	42,250	46,950	49,100
ROW DWELLINGS	18,850	22,650	28,000	33,400	40,050	44,500	46,700
WALKUP	16,200	20,150	25,450	30,150	34,900	38,500	40,400
ELEVATOR-STRUCTURE	21,850	25,500	32,400	------	------	------	------
* RED LAKE :							
DETACHED AND SEMIDETACHED	23,450	28,250	35,050	41,750	49,950	55,600	58,150
ROW DWELLINGS	22,350	27,000	33,250	39,650	47,550	53,150	55,400
WALKUP	19,200	23,850	30,400	35,900	41,450	45,700	48,000
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MINNESOTA --CONTINUED							
ST CLOUD :							
DETACHED AND SEMIDETACHED	19,100	23,100	28,700	34,150	40,900	45,550	47,700
ROW DWELLINGS	18,400	22,200	27,350	32,600	39,050	43,650	45,550
WALKUP	16,650	20,700	26,400	31,150	36,000	39,700	41,650
ELEVATOR-STRUCTURE	21,650	25,150	31,800	------	------	------	------
WORTHINGTON :							
DETACHED AND SEMIDETACHED	18,300	22,150	27,400	32,700	39,150	43,650	45,650
ROW DWELLINGS	17,600	21,100	26,050	30,950	37,350	41,450	43,450
WALKUP	15,250	18,950	24,050	28,400	32,750	36,150	38,050
ELEVATOR-STRUCTURE	21,450	25,000	31,700	------	------	------	------
OHIO							
CINCINNATI :							
DETACHED AND SEMIDETACHED	17,400	21,000	25,950	31,050	37,100	41,450	43,400
ROW DWELLINGS	11,300	13,700	16,900	20,050	24,000	26,800	28,150
WALKUP	19,550	24,150	30,750	36,450	42,050	46,300	48,700
ELEVATOR-STRUCTURE	32,450	37,650	47,550	------	------	------	------
DAYTON :							
DETACHED AND SEMIDETACHED	17,400	21,000	25,950	31,050	37,100	41,450	43,400
ROW DWELLINGS	11,550	14,000	17,300	20,550	24,650	27,500	28,850
WALKUP	19,550	24,150	30,750	36,450	42,050	46,300	48,700
ELEVATOR-STRUCTURE	32,450	37,650	47,550	------	------	------	------
CLEVELAND :							
DETACHED AND SEMIDETACHED	15,950	19,500	23,850	28,550	34,250	38,150	40,000
ROW DWELLINGS	15,250	18,300	22,700	27,100	32,500	36,350	37,900
WALKUP	18,750	23,200	29,350	34,900	40,350	44,550	46,850
ELEVATOR-STRUCTURE	22,350	26,100	33,050	------	------	------	------
AKRON :							
DETACHED AND SEMIDETACHED	15,750	19,150	23,500	28,100	33,750	37,550	39,400
ROW DWELLINGS	15,050	18,050	22,400	26,750	31,950	35,800	37,400
WALKUP	18,550	22,850	28,900	34,450	39,800	43,900	46,150
ELEVATOR-STRUCTURE	22,050	25,800	32,600	------	------	------	------
FINDLAY :							
DETACHED AND SEMIDETACHED	14,600	17,800	21,750	25,950	31,200	34,750	36,350
ROW DWELLINGS	13,900	16,700	20,700	24,650	29,600	33,050	34,500
WALKUP	17,100	21,100	26,700	31,800	36,700	40,550	42,550
ELEVATOR-STRUCTURE	20,400	23,750	30,050	------	------	------	------
LORAIN :							
DETACHED AND SEMIDETACHED	15,850	19,350	23,650	28,300	33,900	37,850	39,600
ROW DWELLINGS	15,150	18,100	22,450	26,850	32,100	35,950	37,550
WALKUP	18,650	23,000	29,050	34,550	39,950	44,100	46,300
ELEVATOR-STRUCTURE	22,150	25,900	32,750	------	------	------	------
MANSFIELD :							
DETACHED AND SEMIDETACHED	14,850	18,150	22,200	26,550	31,850	35,500	37,150
ROW DWELLINGS	14,150	17,050	21,100	25,200	30,200	33,800	35,200
WALKUP	17,550	21,600	27,250	32,500	37,600	41,400	43,550
ELEVATOR-STRUCTURE	20,750	24,300	30,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
OHIO --CONTINUED							
TOLEDO :							
DETACHED AND SEMIDETACHED	15,950	19,500	23,850	28,550	34,250	38,150	40,000
ROW DWELLINGS	15,250	18,300	22,700	27,100	32,500	36,350	37,900
WALKUP	18,750	23,200	29,350	34,900	40,350	44,550	46,850
ELEVATOR-STRUCTURE	22,350	26,100	33,050	------	------	------	------
YOUNGSTOWN :							
DETACHED AND SEMIDETACHED	15,350	18,800	22,850	27,400	32,900	36,650	38,400
ROW DWELLINGS	14,700	17,600	21,850	26,000	31,150	34,850	36,400
WALKUP	18,000	22,300	28,150	33,600	38,800	42,800	45,000
ELEVATOR-STRUCTURE	21,500	25,150	31,650	------	------	------	------
COLUMBUS :							
DETACHED AND SEMIDETACHED	17,850	21,500	26,600	31,750	38,150	42,550	44,450
ROW DWELLINGS	17,050	20,550	25,400	30,150	36,200	40,400	42,300
WALKUP	15,700	19,450	24,600	29,250	33,650	37,200	39,100
ELEVATOR-STRUCTURE	26,200	30,400	38,500	------	------	------	------
ATHENS :							
DETACHED AND SEMIDETACHED	18,100	21,900	27,050	32,050	38,750	43,400	45,050
ROW DWELLINGS	16,750	20,050	24,750	29,550	35,450	39,500	41,350
WALKUP	15,900	19,800	25,050	29,750	34,350	37,850	39,900
ELEVATOR-STRUCTURE	26,450	30,850	39,050	------	------	------	------
LIMA :							
DETACHED AND SEMIDETACHED	17,850	21,500	26,600	31,750	38,150	42,550	44,450
ROW DWELLINGS	16,650	20,050	24,750	29,500	35,450	39,450	41,350
WALKUP	15,800	19,650	24,850	29,550	34,100	37,550	39,500
ELEVATOR-STRUCTURE	26,200	30,400	38,500	------	------	------	------
NEWARK :							
DETACHED AND SEMIDETACHED	17,400	21,100	26,000	30,900	37,250	41,700	43,400
ROW DWELLINGS	16,650	20,050	24,700	29,400	35,350	39,350	41,200
WALKUP	15,300	19,050	24,100	28,650	33,050	36,450	38,250
ELEVATOR-STRUCTURE	25,500	29,750	37,550	------	------	------	------
SPRINGFIELD :							
DETACHED AND SEMIDETACHED	17,850	21,500	26,600	31,750	38,150	42,550	44,450
ROW DWELLINGS	16,850	20,400	25,100	29,950	36,000	40,000	41,900
WALKUP	15,700	19,450	24,600	29,250	33,650	37,200	39,100
ELEVATOR-STRUCTURE	26,200	30,400	38,500	------	------	------	------
TROY :							
DETACHED AND SEMIDETACHED	17,450	21,350	26,200	31,200	37,450	42,000	43,750
ROW DWELLINGS	16,200	19,550	24,100	28,750	34,400	38,350	40,200
WALKUP	15,500	19,450	24,500	29,200	33,600	37,100	38,900
ELEVATOR-STRUCTURE	25,700	29,950	37,800	------	------	------	------
ZANESVILLE :							
DETACHED AND SEMIDETACHED	18,100	21,900	27,050	32,050	38,750	43,400	45,050
ROW DWELLINGS	17,300	20,800	25,750	30,600	36,750	41,100	43,000
WALKUP	15,650	19,400	24,500	29,200	33,650	37,100	39,050
ELEVATOR-STRUCTURE	26,450	30,850	39,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
WISCONSIN							
MILWAUKEE :							
DETACHED AND SEMIDETACHED	20,250	24,600	30,350	36,150	43,450	48,450	50,750
ROW DWELLINGS	19,600	23,450	28,750	34,350	41,350	45,900	48,200
WALKUP	17,700	21,800	27,750	32,650	37,950	41,900	43,850
ELEVATOR-STRUCTURE	21,000	24,300	30,700	------	------	------	------
EAU CLAIRE :							
DETACHED AND SEMIDETACHED	19,700	23,750	29,300	35,100	42,100	46,950	49,000
ROW DWELLINGS	18,400	21,950	27,100	32,250	38,750	43,150	45,250
WALKUP	17,800	22,050	28,000	33,000	38,300	42,050	44,200
ELEVATOR-STRUCTURE	20,400	23,750	29,950	------	------	------	------
GREEN BAY :							
DETACHED AND SEMIDETACHED	18,800	22,700	28,000	33,550	40,100	44,850	46,950
ROW DWELLINGS	17,500	20,950	25,800	30,900	36,950	41,250	43,150
WALKUP	16,450	20,450	25,800	30,500	35,300	39,050	40,800
ELEVATOR-STRUCTURE	19,450	22,650	28,700	------	------	------	------
* LAC DU FLAMBEAU :							
DETACHED AND SEMIDETACHED	20,500	24,750	30,500	36,450	43,800	48,850	51,100
ROW DWELLINGS	19,750	23,600	29,050	34,650	41,550	46,250	48,500
WALKUP	16,900	21,000	26,600	31,350	36,350	39,950	41,950
ELEVATOR-STRUCTURE	18,300	21,250	26,900	------	------	------	------
MADISON :							
DETACHED AND SEMIDETACHED	19,900	24,250	29,800	35,600	42,850	47,750	49,850
ROW DWELLINGS	18,700	22,250	27,500	32,800	39,350	44,050	45,900
WALKUP	17,500	21,600	27,450	32,450	37,600	41,500	43,350
ELEVATOR-STRUCTURE	20,750	24,150	30,500	------	------	------	------
* RED CLIFF :							
DETACHED AND SEMIDETACHED	19,700	23,750	29,250	34,950	41,950	46,900	49,050
ROW DWELLINGS	18,850	22,500	27,700	33,200	39,900	44,350	46,450
WALKUP	16,250	20,050	25,450	30,050	34,700	38,350	40,250
ELEVATOR-STRUCTURE	18,300	21,250	26,900	------	------	------	------
REEDSVILLE :							
DETACHED AND SEMIDETACHED	19,200	23,250	28,500	34,250	40,950	45,850	48,000
ROW DWELLINGS	17,850	21,600	26,400	31,650	37,900	42,250	44,350
WALKUP	16,900	21,000	26,350	31,300	36,300	39,900	41,900
ELEVATOR-STRUCTURE	20,000	23,200	29,300	------	------	------	------
SUPERIOR :							
DETACHED AND SEMIDETACHED	20,500	24,700	30,450	36,450	43,750	48,900	51,050
ROW DWELLINGS	19,100	22,800	28,150	33,650	40,550	44,950	47,150
WALKUP	18,400	22,750	28,750	34,050	39,350	43,450	45,600
ELEVATOR-STRUCTURE	21,200	24,700	31,200	------	------	------	------
WAUSAU :							
DETACHED AND SEMIDETACHED	19,200	23,250	28,500	34,250	40,950	45,850	48,000
ROW DWELLINGS	17,800	21,500	26,250	31,600	37,700	42,150	44,200
WALKUP	16,900	20,900	26,250	31,150	35,950	39,750	41,700
ELEVATOR-STRUCTURE	19,900	23,050	29,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI							
ARKANSAS							
LITTLE ROCK :							
DETACHED AND SEMIDETACHED	14,450	17,500	21,650	25,750	30,950	34,500	35,900
ROW DWELLINGS	13,750	16,700	20,500	24,450	29,400	32,700	34,300
WALKUP	11,850	14,750	18,650	22,150	25,700	28,400	29,700
ELEVATOR-STRUCTURE	22,050	25,450	32,450	------	------	------	------
FAYETTEVILLE :							
DETACHED AND SEMIDETACHED	14,400	17,300	21,500	25,500	30,850	34,150	35,700
ROW DWELLINGS	13,700	16,650	20,400	24,350	29,300	32,500	33,950
WALKUP	10,700	13,400	16,850	19,900	23,200	25,500	26,650
ELEVATOR-STRUCTURE	21,850	25,300	31,900	------	------	------	------
FORT SMITH :							
DETACHED AND SEMIDETACHED	13,550	16,450	20,350	24,100	29,050	32,300	33,700
ROW DWELLINGS	13,100	15,900	19,700	23,350	28,100	31,250	32,700
WALKUP	11,250	13,950	17,650	20,850	24,150	26,650	27,950
ELEVATOR-STRUCTURE	22,250	25,850	32,700	------	------	------	------
JONESBORO :							
DETACHED AND SEMIDETACHED	13,450	16,150	20,150	23,850	28,750	31,950	33,200
ROW DWELLINGS	12,900	15,600	19,500	22,950	27,650	31,000	32,150
WALKUP	11,050	13,700	17,350	20,500	23,700	26,200	27,500
ELEVATOR-STRUCTURE	21,550	24,950	31,650	------	------	------	------
TEXARKANA :							
DETACHED AND SEMIDETACHED	13,900	16,750	20,750	24,700	29,700	32,950	34,400
ROW DWELLINGS	13,100	16,000	19,700	23,400	28,250	31,450	32,750
WALKUP	11,300	14,100	17,800	21,100	24,450	26,950	28,250
ELEVATOR-STRUCTURE	21,850	25,300	31,900	------	------	------	------
LOUISIANA							
NEW ORLEANS :							
DETACHED AND SEMIDETACHED	14,750	17,900	21,900	26,000	31,550	35,100	36,450
ROW DWELLINGS	13,750	16,700	20,800	24,700	29,600	32,900	34,600
WALKUP	12,100	15,100	19,000	22,350	25,950	28,700	29,850
ELEVATOR-STRUCTURE	22,300	25,800	32,850	------	------	------	------
BATON ROUGE :							
DETACHED AND SEMIDETACHED	15,900	19,050	23,550	27,850	33,600	37,550	39,000
ROW DWELLINGS	14,800	17,850	22,300	26,400	31,600	35,100	36,850
WALKUP	11,600	14,500	18,200	21,550	24,850	27,500	28,750
ELEVATOR-STRUCTURE	22,050	25,550	32,500	------	------	------	------
BURAS :							
DETACHED AND SEMIDETACHED	15,000	18,100	22,300	26,550	31,900	35,600	37,250
ROW DWELLINGS	14,100	16,950	21,150	25,200	30,250	33,750	35,100
WALKUP	11,550	14,450	18,150	21,550	24,850	27,500	28,800
ELEVATOR-STRUCTURE	22,600	26,300	33,400	------	------	------	------
HOUMA :							
DETACHED AND SEMIDETACHED	14,700	17,700	21,750	25,850	31,300	34,750	36,150
ROW DWELLINGS	13,650	16,600	20,600	24,500	29,400	32,650	34,250
WALKUP	11,850	14,900	18,550	22,000	25,550	28,200	29,450
ELEVATOR-STRUCTURE	22,050	25,550	32,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

REGION VI--CONTINUED

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
LOUISIANA --CONTINUED							
LAFAYETTE							
DETACHED AND SEMIDETACHED	14,700	17,700	21,750	25,850	31,300	34,750	36,150
ROW DWELLINGS	13,850	16,800	20,800	24,500	29,400	32,650	34,250
WALKUP	12,000	15,050	18,700	22,200	25,800	28,400	29,700
ELEVATOR-STRUCTURE	22,050	25,550	32,500	------	------	------	------
LAKE CHARLES							
DETACHED AND SEMIDETACHED	15,850	19,050	23,450	27,850	33,800	37,350	39,000
ROW DWELLINGS	14,750	17,800	22,300	26,400	31,600	35,100	36,850
WALKUP	12,200	15,300	19,300	22,750	26,400	29,200	30,500
ELEVATOR-STRUCTURE	22,300	25,800	32,850	------	------	------	------
SHREVEPORT							
DETACHED AND SEMIDETACHED	14,350	17,200	21,350	25,300	30,600	34,150	35,550
ROW DWELLINGS	13,400	16,350	20,200	24,050	29,050	32,200	33,600
WALKUP	11,600	14,450	18,350	21,750	25,100	27,800	29,150
ELEVATOR-STRUCTURE	21,600	25,100	31,800	------	------	------	------
ALEXANDRIA							
DETACHED AND SEMIDETACHED	13,050	15,600	19,400	23,100	27,650	30,950	32,300
ROW DWELLINGS	12,950	14,900	18,450	21,950	26,300	29,400	30,700
WALKUP	11,300	14,000	17,800	21,050	24,350	26,850	28,250
ELEVATOR-STRUCTURE	20,950	24,350	30,700	------	------	------	------
MARSHALL							
DETACHED AND SEMIDETACHED	13,100	15,650	19,450	23,200	27,800	31,050	32,350
ROW DWELLINGS	12,450	15,200	18,700	22,350	26,850	29,900	31,200
WALKUP	11,250	13,950	17,700	20,850	24,250	26,800	27,950
ELEVATOR-STRUCTURE	20,050	23,250	29,550	------	------	------	------
MONROE							
DETACHED AND SEMIDETACHED	12,950	15,500	19,150	22,800	27,450	30,750	31,900
ROW DWELLINGS	12,250	14,850	18,300	21,900	26,250	29,250	30,500
WALKUP	11,600	14,350	18,200	21,550	24,950	27,500	28,900
ELEVATOR-STRUCTURE	21,400	24,800	31,600	------	------	------	------
NEW MEXICO							
ALBUQUERQUE							
DETACHED AND SEMIDETACHED	17,900	21,450	23,950	28,500	34,300	38,350	39,950
ROW DWELLINGS	17,050	20,400	22,750	27,100	32,450	36,150	38,000
WALKUP	14,750	18,250	20,750	24,500	28,500	31,250	32,850
ELEVATOR-STRUCTURE	23,850	27,800	35,200	------	------	------	------
ALAMOGORDO							
DETACHED AND SEMIDETACHED	18,800	22,400	25,050	29,800	35,950	40,100	41,800
ROW DWELLINGS	17,750	21,250	23,700	28,200	33,700	37,500	39,400
WALKUP	15,300	19,050	21,500	25,400	29,450	32,500	34,200
ELEVATOR-STRUCTURE	22,400	26,050	32,900	------	------	------	------
ARTESIA							
DETACHED AND SEMIDETACHED	18,800	22,400	24,950	29,750	35,950	40,050	41,500
ROW DWELLINGS	17,750	21,250	23,750	28,400	33,850	37,650	39,500
WALKUP	15,400	19,100	21,550	25,750	29,650	32,800	34,250
ELEVATOR-STRUCTURE	22,750	26,450	33,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO --CONTINUED							
CARLSBAD :							
DETACHED AND SEMIDETACHED	19,050	22,900	25,450	30,350	36,500	40,650	42,300
ROW DWELLINGS	18,000	21,750	24,150	28,900	34,400	38,350	40,250
WALKUP	15,250	19,100	21,550	25,400	29,450	32,550	34,150
ELEVATOR-STRUCTURE	22,750	26,450	33,500	------	------	------	------
CLOVIS :							
DETACHED AND SEMIDETACHED	18,800	22,400	24,950	29,750	35,950	40,050	41,500
ROW DWELLINGS	17,750	21,250	23,750	28,400	33,850	37,650	39,500
WALKUP	15,250	18,950	21,300	25,400	29,350	32,400	33,900
ELEVATOR-STRUCTURE	22,500	26,100	32,900	------	------	------	------
FORT SUMNER :							
DETACHED AND SEMIDETACHED	19,400	23,400	26,050	30,950	37,400	41,750	43,450
ROW DWELLINGS	18,500	22,250	24,700	29,400	35,300	39,200	41,200
WALKUP	16,050	19,900	22,400	26,650	30,800	33,950	35,650
ELEVATOR-STRUCTURE	23,400	27,300	34,450	------	------	------	------
GALLUP :							
DETACHED AND SEMIDETACHED	20,500	24,600	27,500	32,650	39,400	44,000	45,750
ROW DWELLINGS	19,150	22,850	25,500	30,350	36,300	40,400	42,350
WALKUP	16,400	20,500	23,150	27,500	31,850	35,050	36,650
ELEVATOR-STRUCTURE	24,000	28,050	35,300	------	------	------	------
HOBBS :							
DETACHED AND SEMIDETACHED	18,800	22,400	24,950	29,750	35,950	40,050	41,500
ROW DWELLINGS	17,750	21,250	23,750	28,400	33,850	37,650	39,500
WALKUP	15,400	19,100	21,550	25,750	29,650	32,800	34,250
ELEVATOR-STRUCTURE	22,500	26,100	32,900	------	------	------	------
LAS CRUCES :							
DETACHED AND SEMIDETACHED	18,800	22,400	24,950	29,750	35,950	40,050	41,500
ROW DWELLINGS	17,750	21,250	23,750	28,400	33,850	37,650	39,500
WALKUP	15,650	19,550	21,900	26,100	30,200	33,300	34,900
ELEVATOR-STRUCTURE	22,500	26,100	32,900	------	------	------	------
LAS VEGAS :							
DETACHED AND SEMIDETACHED	19,250	23,150	25,800	30,650	37,000	41,250	42,950
ROW DWELLINGS	18,700	22,300	24,750	29,650	35,400	39,450	41,250
WALKUP	16,050	19,900	22,550	26,700	30,800	34,150	35,750
ELEVATOR-STRUCTURE	23,400	27,100	34,450	------	------	------	------
LOS ALAMOS :							
DETACHED AND SEMIDETACHED	20,000	24,000	26,750	31,650	38,350	42,850	44,600
ROW DWELLINGS	19,150	22,850	25,500	30,350	36,350	40,400	42,400
WALKUP	16,500	20,500	23,150	27,450	31,700	35,000	36,650
ELEVATOR-STRUCTURE	23,950	27,950	35,250	------	------	------	------
RATON :							
DETACHED AND SEMIDETACHED	19,100	22,950	25,600	30,400	36,700	40,900	42,600
ROW DWELLINGS	18,700	22,300	24,750	29,650	35,400	39,450	41,250
WALKUP	16,050	19,900	22,550	26,700	30,800	34,150	35,750
ELEVATOR-STRUCTURE	23,400	27,100	34,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO --CONTINUED							
SANTA FE :							
DETACHED AND SEMIDETACHED	19,150	22,950	25,700	30,450	38,750	41,050	42,700
ROW DWELLINGS	18,700	22,300	24,750	29,650	35,400	39,450	41,250
WALKUP	16,050	19,900	22,550	26,700	30,800	34,150	35,750
ELEVATOR-STRUCTURE	23,400	27,100	34,450	------	------	------	------
SILVER CITY :							
DETACHED AND SEMIDETACHED	19,800	23,950	26,600	31,550	38,200	42,600	44,250
ROW DWELLINGS	18,900	22,700	25,200	30,050	36,050	40,050	42,100
WALKUP	16,350	20,400	23,050	27,100	31,500	34,750	36,400
ELEVATOR-STRUCTURE	23,850	27,700	35,100	------	------	------	------
TRUTH OR CONSEQUENCES :							
DETACHED AND SEMIDETACHED	18,550	22,150	24,850	29,500	35,550	39,600	41,150
ROW DWELLINGS	17,650	21,000	23,650	28,150	33,500	37,400	39,100
WALKUP	15,250	18,950	21,450	25,350	29,400	32,400	33,950
ELEVATOR-STRUCTURE	22,150	25,800	32,650	------	------	------	------
FARMINGTON :							
DETACHED AND SEMIDETACHED	20,000	24,000	26,850	31,900	38,450	42,950	44,700
ROW DWELLINGS	19,150	22,850	25,500	30,350	36,300	40,400	42,350
WALKUP	16,400	20,500	23,150	27,500	31,850	35,050	36,650
ELEVATOR-STRUCTURE	24,000	28,050	35,300	------	------	------	------
TERRA AMARILLO :							
DETACHED AND SEMIDETACHED	20,000	24,000	26,750	31,650	38,350	42,850	44,600
ROW DWELLINGS	19,150	22,850	25,500	30,350	36,350	40,400	42,400
WALKUP	16,500	20,500	23,150	27,450	31,700	35,000	36,650
ELEVATOR-STRUCTURE	23,950	27,950	35,250	------	------	------	------
TAOS :							
DETACHED AND SEMIDETACHED	22,650	27,050	30,200	35,900	43,400	48,350	50,250
ROW DWELLINGS	21,650	25,900	28,850	34,250	41,200	45,700	47,950
WALKUP	18,350	22,700	25,750	30,400	35,250	38,800	40,750
ELEVATOR-STRUCTURE	23,800	27,800	35,050	------	------	------	------
SOCORRO :							
DETACHED AND SEMIDETACHED	18,550	22,150	24,850	29,500	35,550	39,600	41,150
ROW DWELLINGS	17,650	21,000	23,650	28,150	33,500	37,400	39,100
WALKUP	15,250	18,950	21,450	25,350	29,400	32,400	33,950
ELEVATOR-STRUCTURE	22,150	25,800	32,650	------	------	------	------
RUIDOSO :							
DETACHED AND SEMIDETACHED	20,000	24,000	26,750	31,650	38,350	42,850	44,600
ROW DWELLINGS	19,150	22,850	25,500	30,350	36,350	40,400	42,400
WALKUP	16,500	20,500	23,150	27,450	31,700	35,000	36,650
ELEVATOR-STRUCTURE	23,950	27,950	35,250	------	------	------	------
* DULCE :							
DETACHED AND SEMIDETACHED	23,400	28,050	31,250	37,300	44,800	50,150	52,200
ROW DWELLINGS	21,150	25,300	28,250	33,600	40,200	44,750	46,850
WALKUP	19,750	24,350	27,700	32,750	38,050	41,800	43,900
ELEVATOR-STRUCTURE	33,200	38,650	48,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO --CONTINUED							
* ISLETA :							
DETACHED AND SEMIDETACHED	21,350	25,550	28,600	34,050	41,150	45,900	47,850
ROW DWELLINGS	18,150	21,750	24,200	29,000	34,550	38,600	40,350
WALKUP	15,550	19,150	21,750	25,700	29,800	32,700	34,450
ELEVATOR-STRUCTURE	25,950	30,250	38,250	------	------	------	------
* LAGUNA :							
DETACHED AND SEMIDETACHED	21,150	25,450	28,250	33,800	40,800	45,400	47,350
ROW DWELLINGS	21,000	25,000	27,950	33,400	39,950	44,450	50,800
WALKUP	17,750	22,000	25,050	29,650	34,350	37,750	39,600
ELEVATOR-STRUCTURE	29,850	34,950	44,100	------	------	------	------
* MESCALERO :							
DETACHED AND SEMIDETACHED	22,050	26,650	29,650	35,350	42,600	47,500	49,400
ROW DWELLINGS	21,900	26,400	29,300	34,950	41,750	46,450	48,850
WALKUP	18,650	23,050	26,200	31,050	36,000	39,500	40,050
ELEVATOR-STRUCTURE	31,300	36,600	46,200	------	------	------	------
* PENASCO :							
DETACHED AND SEMIDETACHED	22,850	27,550	30,700	36,550	44,100	49,300	51,250
ROW DWELLINGS	25,150	27,150	30,200	36,000	43,050	47,850	50,200
WALKUP	19,200	23,850	27,000	32,000	36,950	40,800	42,750
ELEVATOR-STRUCTURE	32,400	37,750	47,650	------	------	------	------
* POJOAQUE :							
DETACHED AND SEMIDETACHED	22,400	26,950	30,050	35,800	42,950	48,050	49,900
ROW DWELLINGS	21,650	26,050	28,950	34,550	41,300	45,950	48,250
WALKUP	18,550	22,850	26,000	30,800	35,700	39,150	41,000
ELEVATOR-STRUCTURE	31,000	36,250	45,800	------	------	------	------
* ZUNI :							
DETACHED AND SEMIDETACHED	21,050	25,300	31,300	37,300	44,900	49,950	52,300
ROW DWELLINGS	20,200	24,450	30,350	36,050	43,200	48,250	50,250
WALKUP	17,650	22,000	27,800	32,950	37,950	41,850	44,100
ELEVATOR-STRUCTURE	26,550	30,700	38,850	------	------	------	------
OKLAHOMA							
OKLAHOMA CITY :							
DETACHED AND SEMIDETACHED	14,400	17,300	21,500	25,600	30,700	34,300	35,850
ROW DWELLINGS	13,700	16,500	20,300	24,300	29,100	32,450	33,850
WALKUP	11,800	14,700	18,600	22,000	25,600	28,150	29,550
ELEVATOR-STRUCTURE	21,550	25,050	31,750	------	------	------	------
ADA :							
DETACHED AND SEMIDETACHED	15,200	18,050	22,550	26,800	32,250	36,050	37,500
ROW DWELLINGS	14,250	17,250	21,300	25,400	30,350	33,850	35,450
WALKUP	12,300	15,450	19,450	23,050	26,900	29,500	30,950
ELEVATOR-STRUCTURE	22,000	25,450	32,150	------	------	------	------
ARDMORE :							
DETACHED AND SEMIDETACHED	15,450	18,500	23,100	27,450	33,000	36,850	38,400
ROW DWELLINGS	14,700	17,700	21,800	25,950	31,200	34,750	36,250
WALKUP	13,000	16,100	20,400	24,150	28,100	30,950	32,400
ELEVATOR-STRUCTURE	22,950	26,600	33,650	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
OKLAHOMA --CONTINUED							
ENID :							
DETACHED AND SEMIDETACHED	15,300	18,300	22,750	27,200	32,700	36,450	37,900
ROW DWELLINGS	14,500	17,550	21,500	25,700	30,850	34,400	35,900
WALKUP	11,950	14,850	18,700	22,300	25,950	28,500	29,850
ELEVATOR-STRUCTURE	22,800	26,200	33,300	------	------	------	------
GUYMON :							
DETACHED AND SEMIDETACHED	15,500	18,600	23,300	27,600	33,150	37,050	38,600
ROW DWELLINGS	14,850	17,800	21,900	26,100	31,400	34,950	36,450
WALKUP	12,800	15,750	20,050	23,750	27,550	30,450	31,900
ELEVATOR-STRUCTURE	23,050	26,800	33,800	------	------	------	------
LAWTON :							
DETACHED AND SEMIDETACHED	14,650	17,700	21,850	26,050	31,400	34,950	36,450
ROW DWELLINGS	14,000	16,850	20,650	24,700	29,600	33,050	34,500
WALKUP	11,950	15,000	18,950	22,350	26,050	28,600	30,100
ELEVATOR-STRUCTURE	21,250	24,650	31,200	------	------	------	------
SHAWNEE :							
DETACHED AND SEMIDETACHED	15,200	18,050	22,550	26,800	32,250	36,050	37,500
ROW DWELLINGS	14,250	17,250	21,300	25,400	30,350	33,850	35,450
WALKUP	12,300	15,450	19,450	23,050	26,900	29,500	30,950
ELEVATOR-STRUCTURE	22,000	25,450	32,150	------	------	------	------
STILLWATER :							
DETACHED AND SEMIDETACHED	15,200	18,050	22,550	26,800	32,250	36,050	37,500
ROW DWELLINGS	14,250	17,250	21,300	25,400	30,350	33,850	35,450
WALKUP	12,300	15,450	19,450	23,050	26,900	29,500	30,950
ELEVATOR-STRUCTURE	22,000	25,450	32,150	------	------	------	------
WOODWARD :							
DETACHED AND SEMIDETACHED	15,300	18,300	22,750	27,200	32,700	36,450	37,900
ROW DWELLINGS	14,500	17,550	21,500	25,700	30,850	34,400	35,900
WALKUP	12,500	15,650	19,650	23,400	27,200	29,900	31,400
ELEVATOR-STRUCTURE	22,800	26,200	33,300	------	------	------	------
TULSA :							
DETACHED AND SEMIDETACHED	15,350	18,600	23,100	27,400	33,050	36,750	38,350
ROW DWELLINGS	14,650	17,850	21,900	26,050	31,300	34,900	36,500
WALKUP	12,900	16,000	20,250	23,950	27,800	30,650	32,150
ELEVATOR-STRUCTURE	19,800	22,850	28,950	------	------	------	------
BARTLESVILLE :							
DETACHED AND SEMIDETACHED	16,200	19,550	24,200	28,850	34,600	38,550	40,300
ROW DWELLINGS	15,400	18,750	23,000	27,750	32,850	36,550	38,300
WALKUP	12,950	16,200	20,300	24,100	28,150	30,900	32,350
ELEVATOR-STRUCTURE	19,800	22,850	28,950	------	------	------	------
MCALESTER :							
DETACHED AND SEMIDETACHED	16,300	19,500	24,200	28,850	34,550	38,550	40,150
ROW DWELLINGS	15,400	18,550	23,000	27,400	32,850	36,550	38,250
WALKUP	12,600	15,750	19,800	23,400	27,200	29,850	31,350
ELEVATOR-STRUCTURE	19,200	22,350	28,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
OKLAHOMA --CONTINUED							
MUSKOGEE							
DETACHED AND SEMIDETACHED	16,400	19,750	24,550	29,100	35,000	39,000	40,700
ROW DWELLINGS	15,900	19,300	24,000	28,450	34,050	38,100	39,750
WALKUP	12,900	16,000	20,150	23,850	27,750	30,500	32,050
ELEVATOR-STRUCTURE	20,350	23,600	29,950	------	------	------	------
TEXAS							
DALLAS							
DETACHED AND SEMIDETACHED	14,800	17,900	22,050	26,350	31,650	35,300	36,800
ROW DWELLINGS	14,150	16,850	21,000	25,050	30,200	33,600	35,100
WALKUP	12,150	15,150	19,150	22,650	26,350	28,850	30,300
ELEVATOR-STRUCTURE	20,100	23,350	29,600	------	------	------	------
SHERMAN							
DETACHED AND SEMIDETACHED	15,000	18,150	22,350	26,700	32,150	35,650	37,400
ROW DWELLINGS	14,000	16,850	20,950	24,950	29,950	33,450	35,050
WALKUP	12,150	15,150	19,100	22,650	26,350	28,750	30,250
ELEVATOR-STRUCTURE	20,450	23,850	30,100	------	------	------	------
TYLER							
DETACHED AND SEMIDETACHED	14,250	17,350	21,350	25,550	30,700	34,050	35,550
ROW DWELLINGS	13,800	16,550	20,650	24,450	29,500	32,800	34,300
WALKUP	11,500	14,250	18,100	21,300	24,700	27,100	28,650
ELEVATOR-STRUCTURE	20,800	24,300	30,750	------	------	------	------
WACO							
DETACHED AND SEMIDETACHED	14,200	17,200	21,300	25,350	30,550	33,900	35,500
ROW DWELLINGS	13,700	16,500	20,450	24,400	29,350	32,650	34,150
WALKUP	11,500	14,350	18,100	21,300	24,900	27,100	28,600
ELEVATOR-STRUCTURE	20,850	23,650	29,900	------	------	------	------
FORT WORTH							
DETACHED AND SEMIDETACHED	13,550	16,150	20,100	24,000	28,800	32,150	33,550
ROW DWELLINGS	12,800	15,350	19,100	22,800	27,250	30,500	31,950
WALKUP	11,100	13,800	17,450	20,650	23,950	26,400	27,550
ELEVATOR-STRUCTURE	24,700	28,600	36,350	------	------	------	------
ABILENE							
DETACHED AND SEMIDETACHED	14,050	16,850	20,900	24,900	29,950	33,450	34,650
ROW DWELLINGS	13,250	15,850	19,700	23,450	28,250	31,600	32,850
WALKUP	10,450	13,050	16,500	19,450	22,550	24,900	26,050
ELEVATOR-STRUCTURE	25,600	29,600	37,550	------	------	------	------
SAN ANGELO							
DETACHED AND SEMIDETACHED	13,800	16,650	20,700	24,750	29,650	33,150	34,650
ROW DWELLINGS	13,400	15,950	19,800	23,600	28,450	31,750	33,200
WALKUP	10,900	13,500	17,050	20,300	23,600	25,900	27,100
ELEVATOR-STRUCTURE	25,750	29,950	37,850	------	------	------	------
WICHITA FALLS							
DETACHED AND SEMIDETACHED	14,050	16,750	20,950	24,900	29,900	33,450	34,850
ROW DWELLINGS	13,400	15,950	19,800	23,600	28,450	31,750	33,200
WALKUP	12,100	15,150	19,150	22,650	26,400	29,000	30,300
ELEVATOR-STRUCTURE	25,750	29,950	37,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS --CONTINUED							
HOUSTON :							
DETACHED AND SEMIDETACHED	15,200	18,350	22,550	26,850	32,350	36,150	37,650
ROW DWELLINGS	14,350	17,350	21,450	25,500	30,650	34,050	35,650
WALKUP	12,300	15,450	19,450	23,100	26,600	29,450	30,850
ELEVATOR-STRUCTURE	19,200	22,400	28,200	------	------	------	------
BEAUMONT :							
DETACHED AND SEMIDETACHED	15,550	18,800	23,250	27,550	33,300	37,050	38,650
ROW DWELLINGS	14,650	17,750	21,900	26,100	31,350	34,900	36,500
WALKUP	12,500	15,750	19,800	23,450	27,150	30,000	31,350
ELEVATOR-STRUCTURE	19,700	23,000	29,000	------	------	------	------
BRYAN :							
DETACHED AND SEMIDETACHED	17,950	21,700	26,800	31,850	38,450	42,900	44,550
ROW DWELLINGS	15,400	18,700	23,150	27,450	32,950	36,700	38,350
WALKUP	11,350	14,150	17,900	21,250	24,600	27,150	28,400
ELEVATOR-STRUCTURE	18,900	22,100	27,850	------	------	------	------
EL CAMPO :							
DETACHED AND SEMIDETACHED	16,650	20,000	24,600	29,250	35,350	39,350	41,150
ROW DWELLINGS	14,200	17,300	21,250	25,250	30,400	33,750	35,400
WALKUP	12,750	15,900	20,050	23,750	27,500	30,300	31,950
ELEVATOR-STRUCTURE	19,050	22,200	28,050	------	------	------	------
LUFKIN :							
DETACHED AND SEMIDETACHED	16,350	19,700	24,350	29,000	34,900	38,950	40,800
ROW DWELLINGS	15,400	18,700	23,450	27,500	33,050	36,750	38,450
WALKUP	12,300	15,450	19,500	23,150	26,750	29,550	31,000
ELEVATOR-STRUCTURE	19,200	22,400	28,200	------	------	------	------
TEXAS CITY :							
DETACHED AND SEMIDETACHED	15,200	18,350	22,550	26,850	32,350	36,150	37,650
ROW DWELLINGS	14,350	17,350	21,450	25,500	30,650	34,050	35,650
WALKUP	12,900	16,100	20,350	24,050	27,850	30,800	32,300
ELEVATOR-STRUCTURE	19,200	22,400	28,200	------	------	------	------
LUBBOCK :							
DETACHED AND SEMIDETACHED	15,950	19,050	23,650	28,250	34,000	37,800	39,350
ROW DWELLINGS	15,100	18,100	22,650	26,850	32,150	35,900	37,600
WALKUP	13,000	16,350	20,550	24,300	28,200	30,900	32,400
ELEVATOR-STRUCTURE	20,100	23,350	29,600	------	------	------	------
AMARILLO :							
DETACHED AND SEMIDETACHED	16,850	20,250	25,250	30,100	36,300	40,350	42,050
ROW DWELLINGS	16,000	19,200	23,850	28,350	34,100	38,000	39,600
WALKUP	13,700	17,150	21,650	25,600	29,750	32,750	34,300
ELEVATOR-STRUCTURE	20,650	24,000	30,400	------	------	------	------
EL PASO :							
DETACHED AND SEMIDETACHED	15,950	18,950	23,550	28,050	33,800	37,650	39,300
ROW DWELLINGS	16,800	19,950	24,950	29,650	35,600	39,900	41,450
WALKUP	14,500	17,900	22,650	26,700	31,050	34,150	35,700
ELEVATOR-STRUCTURE	19,600	22,900	28,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS --CONTINUED							
MIDLAND :							
DETACHED AND SEMIDETACHED	15,100	18,250	22,600	27,150	32,500	36,200	37,800
ROW DWELLINGS	14,550	17,600	21,750	26,050	31,150	34,850	36,450
WALKUP	12,900	16,300	20,500	24,200	28,150	30,850	32,350
ELEVATOR-STRUCTURE	19,250	22,250	28,250	------	------	------	------
ODESSA :							
DETACHED AND SEMIDETACHED	15,100	18,250	22,600	27,150	32,500	36,200	37,800
ROW DWELLINGS	14,500	17,400	21,550	25,700	30,850	34,450	36,050
WALKUP	12,400	15,450	19,550	23,150	26,800	29,450	30,900
ELEVATOR-STRUCTURE	19,250	22,250	28,250	------	------	------	------
SAN ANTONIO :							
DETACHED AND SEMIDETACHED	13,500	16,150	20,050	24,000	28,850	32,050	33,450
ROW DWELLINGS	16,000	15,550	19,000	22,800	27,350	30,550	31,700
WALKUP	13,750	17,300	21,750	25,700	29,950	32,900	34,450
ELEVATOR-STRUCTURE	16,550	19,250	24,450	------	------	------	------
AUSTIN :							
DETACHED AND SEMIDETACHED	14,050	16,850	20,750	24,800	29,900	33,250	34,650
ROW DWELLINGS	13,300	16,050	19,750	23,550	28,300	31,550	32,900
WALKUP	13,500	17,150	21,350	25,550	29,650	32,400	34,100
ELEVATOR-STRUCTURE	16,450	19,100	24,200	------	------	------	------
CORPUS CHRISTI :							
DETACHED AND SEMIDETACHED	14,600	17,550	21,950	26,050	31,250	34,900	36,250
ROW DWELLINGS	13,950	16,950	21,050	24,950	30,000	33,450	34,750
WALKUP	14,800	18,450	23,350	27,450	31,800	35,050	36,850
ELEVATOR-STRUCTURE	15,350	17,800	22,700	------	------	------	------
DEL RIO :							
DETACHED AND SEMIDETACHED	13,250	15,850	19,700	23,600	28,300	31,550	32,700
ROW DWELLINGS	12,500	15,100	18,700	22,250	26,700	29,750	31,000
WALKUP	13,750	17,250	21,750	25,700	29,950	32,900	34,550
ELEVATOR-STRUCTURE	17,250	20,050	25,550	------	------	------	------
EAGLE PASS :							
DETACHED AND SEMIDETACHED	15,550	18,550	23,050	27,550	33,150	36,800	38,250
ROW DWELLINGS	12,850	15,550	19,150	22,850	27,450	30,600	31,800
WALKUP	14,150	17,950	22,450	26,800	31,050	34,100	35,750
ELEVATOR-STRUCTURE	17,650	20,600	26,050	------	------	------	------
HARLINGEN :							
DETACHED AND SEMIDETACHED	14,600	17,550	21,750	26,050	31,200	34,850	36,250
ROW DWELLINGS	13,300	16,000	19,750	23,650	28,250	31,550	32,900
WALKUP	14,150	17,950	22,550	26,800	31,100	34,200	35,950
ELEVATOR-STRUCTURE	16,400	18,950	24,050	------	------	------	------
JUNCTION :							
DETACHED AND SEMIDETACHED	14,500	17,500	21,650	25,700	31,000	34,500	35,850
ROW DWELLINGS	12,950	15,750	19,450	23,150	27,900	31,100	32,350
WALKUP	14,400	18,050	22,700	27,100	31,350	34,550	36,300
ELEVATOR-STRUCTURE	17,950	20,900	26,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS --CONTINUED							
LAREDO :							
DETACHED AND SEMIDETACHED	14,500	17,400	21,600	25,700	30,850	34,450	35,800
ROW DWELLINGS	13,600	16,550	20,400	24,400	29,200	32,600	33,850
WALKUP	12,500	15,750	19,750	23,450	27,350	29,950	31,500
ELEVATOR-STRUCTURE	17,250	20,050	25,550	------	------	------	------
VICTORIA :							
DETACHED AND SEMIDETACHED	13,600	16,500	20,400	24,350	29,200	32,500	33,800
ROW DWELLINGS	12,900	15,650	19,300	22,950	27,700	30,900	32,150
WALKUP	14,600	18,400	23,100	27,450	31,950	35,050	36,850
ELEVATOR-STRUCTURE	17,850	20,750	26,300	------	------	------	------
REGION VII							
IOWA							
DES MOINES :							
DETACHED AND SEMIDETACHED	17,350	21,000	25,900	30,900	37,250	41,250	43,250
ROW DWELLINGS	16,650	20,050	24,600	29,350	35,300	39,250	41,050
WALKUP	14,100	17,700	22,350	26,550	30,700	33,700	35,450
ELEVATOR-STRUCTURE	22,050	25,550	32,400	------	------	------	------
BETTENDORF :							
DETACHED AND SEMIDETACHED	18,100	21,900	26,950	32,200	38,800	43,150	45,100
ROW DWELLINGS	17,300	20,800	25,600	30,450	36,800	41,000	42,750
WALKUP	14,800	18,400	23,350	27,550	32,000	35,150	36,950
ELEVATOR-STRUCTURE	22,800	26,350	33,400	------	------	------	------
* CEDAR RAPIDS :							
DETACHED AND SEMIDETACHED	18,000	21,700	26,850	31,850	38,350	42,700	44,600
ROW DWELLINGS	17,200	20,700	25,400	30,250	36,450	40,650	42,450
WALKUP	14,150	17,600	22,300	27,400	31,700	33,550	35,250
ELEVATOR-STRUCTURE	22,600	26,200	33,250	------	------	------	------
COUNCIL BLUFFS :							
DETACHED AND SEMIDETACHED	15,750	19,000	23,400	27,950	33,750	37,350	39,100
ROW DWELLINGS	15,000	18,050	22,200	26,700	31,900	35,700	37,250
WALKUP	13,550	16,950	21,550	25,500	29,500	32,500	34,100
ELEVATOR-STRUCTURE	20,300	23,650	29,750	------	------	------	------
DAVENPORT :							
DETACHED AND SEMIDETACHED	18,000	21,700	26,850	31,850	38,350	42,700	44,600
ROW DWELLINGS	17,150	20,700	25,450	30,300	36,400	40,650	42,400
WALKUP	14,700	18,300	23,200	28,500	33,000	34,950	36,700
ELEVATOR-STRUCTURE	22,800	26,350	33,400	------	------	------	------
DUBUQUE :							
DETACHED AND SEMIDETACHED	18,000	21,700	26,850	31,850	38,350	42,700	44,600
ROW DWELLINGS	17,150	20,700	25,450	30,300	36,400	40,650	42,400
WALKUP	14,700	18,300	23,200	28,500	33,000	34,950	36,700
ELEVATOR-STRUCTURE	22,350	26,050	32,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
IOWA --CONTINUED							
MASON CITY :							
DETACHED AND SEMIDETACHED	18,000	21,700	26,850	31,850	38,350	42,700	44,600
ROW DWELLINGS	17,150	20,700	25,450	30,300	36,400	40,650	42,400
WALKUP	13,900	17,350	22,050	27,200	31,400	33,200	34,900
ELEVATOR-STRUCTURE	22,350	26,050	32,950	------	------	------	------
SIOUX CITY :							
DETACHED AND SEMIDETACHED	18,000	21,700	26,850	31,850	38,350	42,700	44,600
ROW DWELLINGS	17,050	20,450	25,250	30,150	36,250	40,400	42,150
WALKUP	14,000	17,350	22,050	27,250	31,450	33,300	34,950
ELEVATOR-STRUCTURE	22,350	26,050	32,950	------	------	------	------
WATERLOO :							
DETACHED AND SEMIDETACHED	18,000	21,700	26,850	31,850	38,350	42,700	44,600
ROW DWELLINGS	17,150	20,700	25,450	30,300	36,400	40,650	42,400
WALKUP	14,700	18,300	23,200	28,500	33,000	34,950	36,700
ELEVATOR-STRUCTURE	22,350	26,050	32,950	------	------	------	------
* SAC FOX :							
DETACHED AND SEMIDETACHED	18,250	22,000	27,200	32,250	38,850	43,250	45,200
ROW DWELLINGS	15,700	18,850	23,150	27,500	33,150	37,000	38,650
WALKUP	15,650	19,500	24,750	30,350	35,150	37,200	39,100
ELEVATOR-STRUCTURE	22,600	26,200	33,250	------	------	------	------
KANSAS							
KANSAS CITY :							
DETACHED AND SEMIDETACHED	14,950	18,150	22,350	26,600	32,050	35,600	37,250
ROW DWELLINGS	14,300	17,150	21,200	25,250	30,400	33,800	35,300
WALKUP	12,300	15,200	19,400	22,900	26,450	29,250	30,700
ELEVATOR-STRUCTURE	20,700	23,950	30,300	------	------	------	------
TOPEKA :							
DETACHED AND SEMIDETACHED	17,200	20,700	25,650	30,450	36,700	40,850	42,750
ROW DWELLINGS	16,450	19,600	24,400	28,950	34,850	38,900	40,650
WALKUP	13,950	17,550	22,300	26,200	30,350	33,650	35,050
ELEVATOR-STRUCTURE	23,550	27,200	34,450	------	------	------	------
* HOLTON :							
DETACHED AND SEMIDETACHED	19,750	23,900	29,550	35,050	42,200	47,000	49,250
ROW DWELLINGS	18,900	22,550	28,000	33,300	40,150	44,800	46,700
WALKUP	16,050	20,150	25,550	30,150	34,950	38,600	40,350
ELEVATOR-STRUCTURE	20,850	24,150	30,550	------	------	------	------
GARDEN CITY :							
DETACHED AND SEMIDETACHED	16,100	19,350	23,950	28,550	34,400	38,150	40,000
ROW DWELLINGS	15,400	18,400	22,750	27,100	32,600	36,500	37,950
WALKUP	13,200	16,350	20,700	24,600	28,500	31,400	32,950
ELEVATOR-STRUCTURE	22,100	25,500	32,150	------	------	------	------
PITTSBURG :							
DETACHED AND SEMIDETACHED	15,800	19,050	23,550	28,050	33,800	37,550	39,300
ROW DWELLINGS	15,100	18,100	22,400	26,550	32,050	35,800	37,350
WALKUP	12,850	16,100	20,400	24,000	27,950	30,900	32,300
ELEVATOR-STRUCTURE	21,500	25,000	31,550	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
KANSAS --CONTINUED							
SALINA :							
DETACHED AND SEMIDETACHED	15,800	19,050	23,550	28,150	33,950	37,600	39,450
ROW DWELLINGS	15,150	18,150	22,550	26,700	32,100	35,900	37,550
WALKUP	12,950	16,150	20,550	24,150	28,100	30,900	32,350
ELEVATOR-STRUCTURE	21,700	25,100	31,650	------	------	------	------
WICHITA :							
DETACHED AND SEMIDETACHED	16,600	20,000	24,900	29,500	35,500	39,500	41,450
ROW DWELLINGS	15,800	18,950	23,550	27,850	33,750	37,600	39,200
WALKUP	13,500	16,900	21,500	25,350	29,400	32,350	33,950
ELEVATOR-STRUCTURE	21,500	25,000	31,550	------	------	------	------
MISSOURI							
KANSAS CITY :							
DETACHED AND SEMIDETACHED	14,950	18,150	22,350	26,600	32,050	35,600	37,250
ROW DWELLINGS	14,300	17,150	21,250	25,250	30,400	33,850	35,300
WALKUP	12,350	15,300	19,500	23,000	26,600	29,400	30,900
ELEVATOR-STRUCTURE	22,150	25,650	32,450	------	------	------	------
JOPLIN :							
DETACHED AND SEMIDETACHED	13,850	16,800	20,800	24,700	29,750	33,150	34,700
ROW DWELLINGS	13,400	15,950	19,800	23,600	28,350	31,550	32,900
WALKUP	11,550	14,250	18,200	21,450	24,850	27,350	28,800
ELEVATOR-STRUCTURE	20,650	24,000	30,300	------	------	------	------
ST. JOSEPH :							
DETACHED AND SEMIDETACHED	14,450	17,300	21,400	25,450	30,700	34,200	35,800
ROW DWELLINGS	13,800	16,450	20,350	24,150	29,150	32,500	33,900
WALKUP	11,850	14,800	18,750	22,150	25,750	28,300	29,800
ELEVATOR-STRUCTURE	21,200	24,600	31,200	------	------	------	------
SEDALIA :							
DETACHED AND SEMIDETACHED	14,450	17,300	21,400	25,450	30,700	34,200	35,800
ROW DWELLINGS	13,800	16,450	20,350	24,150	29,150	32,500	33,900
WALKUP	11,850	14,800	18,750	22,150	25,750	28,300	29,800
ELEVATOR-STRUCTURE	21,200	24,600	31,200	------	------	------	------
SPRINGFIELD :							
DETACHED AND SEMIDETACHED	14,500	17,400	21,550	25,700	31,000	34,450	36,000
ROW DWELLINGS	13,850	16,550	20,500	24,400	29,400	32,750	34,150
WALKUP	11,300	14,050	17,750	20,950	24,350	26,850	28,100
ELEVATOR-STRUCTURE	21,050	24,450	30,950	------	------	------	------
ST LOUIS :							
DETACHED AND SEMIDETACHED	16,550	19,950	24,550	29,250	35,250	39,200	41,050
ROW DWELLINGS	15,750	18,750	23,300	27,800	33,400	37,300	38,850
WALKUP	14,950	18,700	23,550	27,850	32,400	35,550	37,300
ELEVATOR-STRUCTURE	22,050	25,600	32,350	------	------	------	------
CAPE GIRARDEAU :							
DETACHED AND SEMIDETACHED	15,550	18,850	23,400	27,850	33,550	37,450	39,150
ROW DWELLINGS	15,100	17,950	22,200	26,500	31,700	35,350	36,950
WALKUP	14,250	17,750	22,300	26,550	30,900	33,750	35,550
ELEVATOR-STRUCTURE	21,150	24,500	30,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
MISSOURI --CONTINUED							
COLUMBIA :							
DETACHED AND SEMIDETACHED	16,250	19,550	24,200	28,900	34,750	38,600	40,450
ROW DWELLINGS	15,450	18,500	22,850	27,300	32,750	36,500	38,150
WALKUP	14,800	18,400	23,200	27,550	32,000	35,000	36,700
ELEVATOR-STRUCTURE	21,150	24,500	31,000	------	------	------	------
KIRKSVILLE :							
DETACHED AND SEMIDETACHED	16,250	19,550	24,200	28,900	34,750	38,600	40,450
ROW DWELLINGS	15,450	18,500	22,850	27,300	32,750	36,500	38,150
WALKUP	14,900	18,450	23,350	27,700	32,150	35,350	37,050
ELEVATOR-STRUCTURE	21,150	24,500	31,000	------	------	------	------
ROLLA :							
DETACHED AND SEMIDETACHED	14,750	17,800	22,050	26,250	31,500	35,050	36,700
ROW DWELLINGS	14,100	16,850	20,900	24,800	29,900	33,400	34,850
WALKUP	13,400	16,650	21,100	24,950	29,050	31,850	33,400
ELEVATOR-STRUCTURE	19,400	22,500	28,400	------	------	------	------
NEBRASKA							
OMAHA :							
DETACHED AND SEMIDETACHED	17,600	21,200	26,150	31,200	37,550	41,700	43,600
ROW DWELLINGS	16,750	20,150	24,800	29,650	35,750	39,650	41,400
WALKUP	14,400	18,000	22,700	26,850	31,100	34,250	35,900
ELEVATOR-STRUCTURE	19,000	22,050	27,950	------	------	------	------
GRAND ISLAND :							
DETACHED AND SEMIDETACHED	18,450	22,150	27,150	32,400	39,100	43,400	45,500
ROW DWELLINGS	17,700	21,350	26,400	31,500	37,950	42,050	43,950
WALKUP	14,950	18,750	23,750	28,000	32,500	35,750	37,500
ELEVATOR-STRUCTURE	19,650	22,850	28,700	------	------	------	------
LINCOLN :							
DETACHED AND SEMIDETACHED	17,450	21,150	25,950	31,000	37,250	41,400	43,400
ROW DWELLINGS	16,900	20,300	24,900	29,800	35,950	39,800	41,600
WALKUP	13,700	17,050	21,500	25,550	29,600	32,650	34,200
ELEVATOR-STRUCTURE	18,800	21,750	27,350	------	------	------	------
MACY :							
DETACHED AND SEMIDETACHED	21,000	25,250	31,250	37,300	44,900	50,250	52,450
ROW DWELLINGS	20,050	24,150	29,850	35,600	42,750	47,650	49,600
WALKUP	16,900	20,950	26,550	31,450	36,500	40,450	41,150
ELEVATOR-STRUCTURE	22,500	26,000	32,900	------	------	------	------
NORFOLK :							
DETACHED AND SEMIDETACHED	17,800	21,450	26,500	31,650	38,150	42,550	44,450
ROW DWELLINGS	17,050	20,450	25,350	30,150	36,250	40,400	42,050
WALKUP	14,200	17,600	22,300	26,350	30,700	33,950	35,500
ELEVATOR-STRUCTURE	19,900	23,000	29,200	------	------	------	------
NORTH PLATTE :							
DETACHED AND SEMIDETACHED	16,150	19,450	23,950	28,700	34,500	38,500	40,300
ROW DWELLINGS	15,250	18,300	22,600	27,000	32,350	36,050	37,650
WALKUP	14,000	17,300	22,050	26,100	30,200	33,450	35,100
ELEVATOR-STRUCTURE	19,150	22,200	28,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
NEBRASKA --CONTINUED							
* SANTEE :							
DETACHED AND SEMIDETACHED	20,400	24,550	30,350	36,250	43,600	48,800	50,950
ROW DWELLINGS	19,400	23,350	28,900	34,450	41,350	46,100	48,000
WALKUP	16,750	20,800	26,350	31,200	36,200	40,100	41,900
ELEVATOR-STRUCTURE	22,500	26,000	32,900	------	------	------	------
SCOTTSBLUFF :							
DETACHED AND SEMIDETACHED	18,200	21,950	26,850	32,050	38,600	42,950	44,800
ROW DWELLINGS	17,200	20,600	25,550	30,450	36,550	40,700	42,450
WALKUP	14,800	18,300	23,300	27,650	31,850	35,200	37,050
ELEVATOR-STRUCTURE	19,350	22,400	26,800	------	------	------	------
* WINNEBAGO :							
DETACHED AND SEMIDETACHED	20,400	24,550	30,350	36,250	43,600	48,800	50,950
ROW DWELLINGS	19,400	23,350	28,900	34,450	41,350	46,100	48,000
WALKUP	16,750	20,800	26,350	31,200	36,200	40,100	41,900
ELEVATOR-STRUCTURE	22,500	26,000	32,900	------	------	------	------
REGION VIII							
COLORADO							
DENVER :							
DETACHED AND SEMIDETACHED	15,500	18,650	22,850	27,200	32,800	36,600	38,300
ROW DWELLINGS	15,350	18,400	22,800	27,050	32,600	36,300	38,000
WALKUP	13,100	16,300	20,700	24,450	28,200	31,150	32,650
ELEVATOR-STRUCTURE	18,600	21,700	27,350	------	------	------	------
COLORADO SPRINGS :							
DETACHED AND SEMIDETACHED	15,500	18,650	22,850	27,200	32,800	36,600	38,300
ROW DWELLINGS	15,350	18,400	22,800	27,050	32,600	36,300	38,000
WALKUP	13,100	16,300	20,700	24,450	28,200	31,150	32,650
ELEVATOR-STRUCTURE	18,600	21,700	27,350	------	------	------	------
DURANGO :							
DETACHED AND SEMIDETACHED	16,250	19,650	24,250	28,800	34,750	38,750	40,500
ROW DWELLINGS	16,100	19,300	23,800	28,400	34,250	38,150	39,900
WALKUP	13,700	17,100	21,650	25,500	29,700	32,650	34,350
ELEVATOR-STRUCTURE	19,500	22,700	28,750	------	------	------	------
GRAND JUNCTION :							
DETACHED AND SEMIDETACHED	16,100	19,400	23,900	28,500	34,300	38,200	39,850
ROW DWELLINGS	16,000	19,100	23,550	28,200	34,000	37,600	39,550
WALKUP	13,650	16,950	21,450	25,400	29,350	32,350	34,000
ELEVATOR-STRUCTURE	19,400	22,500	28,400	------	------	------	------
GREELEY :							
DETACHED AND SEMIDETACHED	16,100	19,450	23,950	28,600	34,400	38,350	40,050
ROW DWELLINGS	16,100	19,300	23,800	28,400	34,250	38,150	39,900
WALKUP	13,700	17,100	21,650	25,500	29,700	32,650	34,350
ELEVATOR-STRUCTURE	17,650	20,850	26,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
COLORADO --CONTINUED							
PUEBLO :							
DETACHED AND SEMIDETACHED	15,050	18,050	22,450	26,750	32,050	35,750	37,350
ROW DWELLINGS	15,000	18,050	22,100	26,400	31,850	35,300	37,100
WALKUP	12,650	15,850	20,150	23,800	27,350	30,350	31,800
ELEVATOR-STRUCTURE	18,150	21,150	24,000	-------	-------	-------	-------
MONTANA							
HELENA :							
DETACHED AND SEMIDETACHED	18,050	21,750	26,850	31,950	38,600	43,000	44,900
ROW DWELLINGS	17,200	20,450	25,600	30,350	36,600	40,650	42,650
WALKUP	14,950	18,850	23,950	28,200	32,600	36,050	37,600
ELEVATOR-STRUCTURE	22,300	25,900	32,900	-------	-------	-------	-------
BILLINGS :							
DETACHED AND SEMIDETACHED	17,600	21,250	26,150	31,250	37,550	41,700	43,700
ROW DWELLINGS	16,700	19,750	24,600	29,200	35,200	39,200	41,000
WALKUP	14,300	18,100	23,000	27,050	31,200	34,600	36,200
ELEVATOR-STRUCTURE	21,700	25,050	31,900	-------	-------	-------	-------
BOZEMAN :							
DETACHED AND SEMIDETACHED	18,400	22,150	27,350	32,650	39,250	43,700	45,700
ROW DWELLINGS	17,600	20,850	25,950	30,950	37,250	41,350	43,300
WALKUP	15,150	19,250	24,300	28,750	33,100	36,550	38,400
ELEVATOR-STRUCTURE	22,650	26,300	33,400	-------	-------	-------	-------
BUTTE :							
DETACHED AND SEMIDETACHED	18,800	22,650	27,900	33,150	39,900	44,500	46,600
ROW DWELLINGS	17,900	21,350	26,350	31,400	38,000	42,000	44,050
WALKUP	15,250	19,450	24,450	28,900	33,350	36,950	38,500
ELEVATOR-STRUCTURE	23,100	26,750	34,100	-------	-------	-------	-------
GLASGOW :							
DETACHED AND SEMIDETACHED	18,400	22,150	27,350	32,650	39,250	43,700	45,700
ROW DWELLINGS	17,600	20,850	25,950	30,950	37,250	41,350	43,300
WALKUP	15,150	19,250	24,300	28,750	33,100	36,550	38,400
ELEVATOR-STRUCTURE	22,650	26,300	33,400	-------	-------	-------	-------
GREAT FALLS :							
DETACHED AND SEMIDETACHED	18,900	22,700	28,100	33,500	40,100	44,800	46,850
ROW DWELLINGS	18,050	21,500	26,550	31,900	38,300	42,500	44,900
WALKUP	15,700	19,750	24,900	29,300	33,950	37,600	39,250
ELEVATOR-STRUCTURE	23,400	27,000	34,400	-------	-------	-------	-------
HAVRE :							
DETACHED AND SEMIDETACHED	18,400	22,150	27,350	32,650	39,250	43,700	45,700
ROW DWELLINGS	17,600	20,850	25,950	30,950	37,250	41,350	43,300
WALKUP	15,150	19,250	24,300	28,750	33,100	36,550	38,400
ELEVATOR-STRUCTURE	22,650	26,300	33,400	-------	-------	-------	-------
KALISPELL :							
DETACHED AND SEMIDETACHED	17,650	21,450	26,450	31,450	37,650	42,050	44,050
ROW DWELLINGS	16,800	20,200	24,900	29,750	35,850	39,750	41,650
WALKUP	14,750	18,650	23,500	27,750	31,950	35,400	37,000
ELEVATOR-STRUCTURE	21,850	25,350	32,300	-------	-------	-------	-------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA --CONTINUED							
MILES CITY :							
DETACHED AND SEMIDETACHED	18,400	22,150	27,350	32,650	39,250	43,700	45,700
ROW DWELLINGS	17,600	20,850	25,950	30,950	37,250	41,350	43,300
WALKUP	15,150	19,250	24,300	28,750	33,100	36,550	38,400
ELEVATOR-STRUCTURE	22,650	26,300	33,400	------	------	------	------
MISSOULA :							
DETACHED AND SEMIDETACHED	17,600	21,250	26,150	31,250	37,550	41,700	43,700
ROW DWELLINGS	16,700	19,750	24,600	29,200	35,200	39,200	41,000
WALKUP	14,300	18,100	23,000	27,050	31,200	34,600	36,200
ELEVATOR-STRUCTURE	21,700	25,050	31,900	------	------	------	------
* RONAN :							
DETACHED AND SEMIDETACHED	21,900	26,350	32,650	38,700	46,600	51,950	54,500
ROW DWELLINGS	20,050	23,850	29,700	35,350	42,700	47,350	49,500
WALKUP	16,900	21,450	27,000	32,000	36,900	40,700	42,550
ELEVATOR-STRUCTURE	23,350	27,000	34,350	------	------	------	------
* BROWNING :							
DETACHED AND SEMIDETACHED	20,300	24,350	30,100	35,800	43,050	48,050	50,350
ROW DWELLINGS	20,050	23,850	29,700	35,350	42,700	47,350	49,500
WALKUP	16,900	21,450	27,000	32,000	36,900	40,700	42,550
ELEVATOR-STRUCTURE	23,350	27,000	34,350	------	------	------	------
* HARLEM :							
DETACHED AND SEMIDETACHED	20,900	25,050	31,000	36,850	44,300	49,500	51,850
ROW DWELLINGS	20,050	23,850	29,700	35,350	42,700	47,350	49,500
WALKUP	16,900	21,450	27,000	32,000	36,900	40,700	42,550
ELEVATOR-STRUCTURE	23,350	27,000	34,350	------	------	------	------
* WOLF POINT :							
DETACHED AND SEMIDETACHED	21,650	26,050	32,000	38,250	45,800	51,150	53,650
ROW DWELLINGS	20,050	23,850	29,700	35,350	42,700	47,350	49,500
WALKUP	16,900	21,450	27,000	32,000	36,900	40,700	42,550
ELEVATOR-STRUCTURE	23,350	27,000	34,350	------	------	------	------
* LODGE GRASS :							
DETACHED AND SEMIDETACHED	20,650	24,800	30,650	36,450	43,900	48,800	51,100
ROW DWELLINGS	20,050	23,850	29,700	35,350	42,700	47,350	49,500
WALKUP	16,900	21,450	27,000	32,000	36,900	40,700	42,550
ELEVATOR-STRUCTURE	23,350	27,000	34,350	------	------	------	------
NORTH DAKOTA							
FARGO :							
DETACHED AND SEMIDETACHED	18,000	21,550	26,650	32,050	38,550	42,600	44,800
ROW DWELLINGS	17,150	20,850	25,650	30,450	36,800	40,750	42,650
WALKUP	14,900	18,700	23,250	27,550	32,300	35,450	37,300
ELEVATOR-STRUCTURE	20,900	24,350	30,750	------	------	------	------
BISMARCK :							
DETACHED AND SEMIDETACHED	18,500	22,250	27,250	32,750	39,500	43,700	45,850
ROW DWELLINGS	17,600	21,300	26,150	31,250	37,800	41,850	43,850
WALKUP	15,300	19,100	23,550	28,100	33,050	36,250	38,150
ELEVATOR-STRUCTURE	21,400	24,850	31,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
NORTH DAKOTA --CONTINUED							
DICKINSON :							
DETACHED AND SEMIDETACHED	17,700	21,250	26,300	31,500	37,850	42,050	44,150
ROW DWELLINGS	16,900	20,500	25,300	30,050	36,250	40,100	41,950
WALKUP	14,600	18,350	22,750	26,950	31,750	34,900	36,550
ELEVATOR-STRUCTURE	20,550	23,950	30,200	------	------	------	------
GRAND FORKS :							
DETACHED AND SEMIDETACHED	17,400	20,900	25,750	31,000	37,300	41,250	43,300
ROW DWELLINGS	16,900	20,500	25,300	30,050	36,250	40,100	41,950
WALKUP	14,450	17,950	22,350	26,500	31,250	34,300	36,050
ELEVATOR-STRUCTURE	20,550	23,950	30,200	------	------	------	------
MINOT :							
DETACHED AND SEMIDETACHED	17,600	21,050	25,950	31,150	37,550	41,650	43,650
ROW DWELLINGS	16,750	20,350	25,050	29,800	35,800	39,850	41,650
WALKUP	14,450	18,100	22,500	26,850	31,400	34,600	36,400
ELEVATOR-STRUCTURE	20,500	23,750	29,900	------	------	------	------
* FORT TOTTEN (DEVILS LAKE) :							
DETACHED AND SEMIDETACHED	26,550	30,400	35,800	41,050	47,850	52,450	54,450
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
SOUTH DAKOTA							
SIOUX FALLS :							
DETACHED AND SEMIDETACHED	21,850	26,250	32,350	38,600	46,350	51,750	54,000
ROW DWELLINGS	20,500	24,800	30,750	36,650	44,200	48,650	51,300
WALKUP	17,800	22,100	28,050	33,200	38,500	42,500	44,600
ELEVATOR-STRUCTURE	22,100	25,750	32,450	------	------	------	------
ABERDEEN :							
DETACHED AND SEMIDETACHED	21,950	26,400	32,550	38,750	46,400	52,100	54,150
ROW DWELLINGS	20,600	25,000	30,950	36,800	44,250	49,100	51,550
WALKUP	18,100	22,650	28,550	33,900	39,150	43,150	45,600
ELEVATOR-STRUCTURE	22,150	25,850	32,700	------	------	------	------
PIERRE :							
DETACHED AND SEMIDETACHED	23,000	27,900	34,200	40,700	49,350	54,800	57,100
ROW DWELLINGS	21,450	25,950	32,000	38,050	46,000	50,950	53,400
WALKUP	17,900	22,450	28,150	33,450	38,800	42,650	44,950
ELEVATOR-STRUCTURE	23,900	27,750	35,150	------	------	------	------
RAPID CITY :							
DETACHED AND SEMIDETACHED	22,000	26,700	32,900	39,000	46,850	52,400	54,600
ROW DWELLINGS	20,700	25,350	31,100	37,350	44,700	49,350	52,050
WALKUP	18,600	23,350	29,450	34,700	40,200	44,400	46,800
ELEVATOR-STRUCTURE	22,150	25,850	32,600	------	------	------	------
* MISSION :							
DETACHED AND SEMIDETACHED	22,700	27,350	33,850	40,200	48,450	53,900	56,200
ROW DWELLINGS	20,450	24,900	30,600	36,700	44,100	48,800	51,300
WALKUP	17,650	22,200	28,000	33,200	38,450	42,200	44,750
ELEVATOR-STRUCTURE	21,100	24,600	31,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
SOUTH DAKOTA --CONTINUED							
* FORT THOMPSON :							
DETACHED AND SEMIDETACHED	22,350	26,950	33,300	39,550	47,600	53,050	55,350
ROW DWELLINGS	20,450	24,900	30,600	36,700	44,100	48,800	51,300
WALKUP	17,650	22,200	28,000	33,200	38,450	42,200	44,750
ELEVATOR-STRUCTURE	21,100	24,600	31,050	------	------	------	------
* MCLAUGHLIN :							
DETACHED AND SEMIDETACHED	22,550	27,150	33,550	39,900	47,950	53,550	55,950
ROW DWELLINGS	20,450	24,900	30,600	36,700	44,100	48,800	51,300
WALKUP	17,650	22,200	28,000	33,200	38,450	42,200	44,750
ELEVATOR-STRUCTURE	21,100	24,600	31,050	------	------	------	------
* WAGNER :							
DETACHED AND SEMIDETACHED	19,750	23,850	29,500	35,000	42,150	47,000	49,100
ROW DWELLINGS	20,450	24,900	30,600	36,700	44,100	48,800	51,300
WALKUP	17,650	22,200	28,000	33,200	38,450	42,200	44,750
ELEVATOR-STRUCTURE	21,100	24,600	31,050	------	------	------	------
* SISSETON :							
DETACHED AND SEMIDETACHED	21,700	26,150	32,300	38,400	46,100	51,550	53,800
ROW DWELLINGS	20,450	24,900	30,600	36,700	44,100	48,800	51,300
WALKUP	17,650	22,200	28,000	33,200	38,450	42,200	44,750
ELEVATOR-STRUCTURE	21,100	24,600	31,050	------	------	------	------
UTAH							
SALT LAKE CITY :							
DETACHED AND SEMIDETACHED	17,500	21,150	26,100	31,250	37,600	41,700	43,800
ROW DWELLINGS	16,650	20,000	24,750	29,700	35,450	39,350	41,250
WALKUP	14,250	17,900	22,800	26,900	31,200	34,350	36,150
ELEVATOR-STRUCTURE	20,950	24,450	30,950	------	------	------	------
CEDAR CITY :							
DETACHED AND SEMIDETACHED	18,100	21,850	26,900	32,050	38,600	43,050	45,050
ROW DWELLINGS	17,050	20,650	25,350	30,450	36,400	40,650	42,350
WALKUP	14,800	18,550	23,500	27,600	32,150	35,350	37,200
ELEVATOR-STRUCTURE	21,750	25,350	32,100	------	------	------	------
LOGAN :							
DETACHED AND SEMIDETACHED	18,000	21,500	26,500	31,600	38,100	42,450	44,400
ROW DWELLINGS	16,950	20,450	25,100	30,050	36,150	40,100	42,000
WALKUP	14,650	18,200	23,250	27,250	31,750	34,900	36,750
ELEVATOR-STRUCTURE	21,350	24,950	31,450	------	------	------	------
MOAB :							
DETACHED AND SEMIDETACHED	18,150	21,950	27,050	32,250	38,850	43,350	45,350
ROW DWELLINGS	17,150	20,700	25,550	30,500	36,650	40,700	42,800
WALKUP	14,850	18,600	23,550	27,700	32,300	35,500	37,350
ELEVATOR-STRUCTURE	21,850	25,400	32,150	------	------	------	------
PROVO :							
DETACHED AND SEMIDETACHED	17,500	21,150	26,100	31,250	37,600	41,700	43,800
ROW DWELLINGS	16,650	20,000	24,750	29,700	35,450	39,350	41,250
WALKUP	14,250	17,900	22,800	26,900	31,200	34,350	36,150
ELEVATOR-STRUCTURE	20,950	24,450	30,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
UTAH --CONTINUED							
VERNAL :							
DETACHED AND SEMIDETACHED	18,150	21,900	27,000	32,200	38,800	43,100	45,200
ROW DWELLINGS	17,150	20,700	25,550	30,500	36,650	40,700	42,800
WALKUP	14,850	18,600	23,550	27,700	32,300	35,500	37,350
ELEVATOR-STRUCTURE	21,750	25,350	32,100	------	------	------	------
WYOMING							
CASPER :							
DETACHED AND SEMIDETACHED	16,550	20,050	24,700	29,400	35,350	39,400	41,350
ROW DWELLINGS	15,750	18,900	23,500	27,950	33,550	37,450	39,100
WALKUP	14,300	18,000	22,850	26,800	31,150	34,300	35,950
ELEVATOR-STRUCTURE	20,950	24,400	31,000	------	------	------	------
CHEYENNE :							
DETACHED AND SEMIDETACHED	15,650	18,950	23,300	27,800	33,500	37,300	39,100
ROW DWELLINGS	14,850	18,000	22,350	27,700	31,900	35,400	37,000
WALKUP	13,550	17,050	21,600	25,450	29,450	32,600	34,000
ELEVATOR-STRUCTURE	19,900	23,200	29,300	------	------	------	------
CODY :							
DETACHED AND SEMIDETACHED	15,850	19,350	23,750	28,550	34,300	38,100	39,950
ROW DWELLINGS	15,250	18,200	22,650	27,000	32,400	35,950	37,750
WALKUP	13,850	17,400	22,050	25,950	29,950	33,100	34,550
ELEVATOR-STRUCTURE	20,250	23,550	29,800	------	------	------	------
GILLETTE :							
DETACHED AND SEMIDETACHED	17,100	20,650	25,550	30,350	36,700	40,800	42,750
ROW DWELLINGS	16,450	19,550	24,350	28,900	34,650	38,750	40,350
WALKUP	14,750	18,700	23,600	27,800	32,300	35,550	37,200
ELEVATOR-STRUCTURE	21,700	25,150	31,950	------	------	------	------
JACKSON :							
DETACHED AND SEMIDETACHED	16,500	19,900	24,450	29,100	35,150	39,100	40,950
ROW DWELLINGS	15,650	18,750	23,350	27,700	33,300	37,200	38,600
WALKUP	14,200	17,750	22,700	26,550	30,950	34,000	35,600
ELEVATOR-STRUCTURE	20,750	24,300	30,600	------	------	------	------
LARAMIE :							
DETACHED AND SEMIDETACHED	15,800	19,100	23,600	28,100	34,000	37,750	39,650
ROW DWELLINGS	15,200	18,150	22,600	26,800	32,250	35,900	37,500
WALKUP	13,700	17,350	21,950	25,900	29,850	32,950	34,500
ELEVATOR-STRUCTURE	20,050	23,400	29,600	------	------	------	------
POWELL :							
DETACHED AND SEMIDETACHED	15,850	19,350	23,750	28,550	34,300	38,100	39,950
ROW DWELLINGS	15,250	18,200	22,650	27,000	32,400	35,950	37,750
WALKUP	13,850	17,400	22,050	25,950	29,950	33,100	34,550
ELEVATOR-STRUCTURE	20,250	23,550	29,800	------	------	------	------
RIVERTON :							
DETACHED AND SEMIDETACHED	18,200	21,900	27,000	32,100	38,700	43,050	45,100
ROW DWELLINGS	17,300	20,700	25,750	30,600	36,650	41,050	42,650
WALKUP	14,750	18,700	23,600	27,800	32,300	35,550	37,200
ELEVATOR-STRUCTURE	21,700	25,150	31,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
WYOMING --CONTINUED	**REGION VIII --CONTINUED**						
ROCK SPRINGS :							
DETACHED AND SEMIDETACHED	15,850	19,350	23,750	28,550	34,300	38,100	39,950
ROW DWELLINGS	15,250	18,200	22,650	27,000	32,400	35,950	37,750
WALKUP	13,850	17,400	22,050	25,950	29,950	33,100	34,550
ELEVATOR-STRUCTURE	20,250	23,550	29,800	------	------	------	------
ARIZONA	**REGION IX**						
PHOENIX :							
DETACHED AND SEMIDETACHED	18,200	21,900	27,000	32,150	38,750	43,150	45,250
ROW DWELLINGS	17,100	20,700	25,550	30,550	36,550	40,900	42,650
WALKUP	14,800	18,400	23,400	27,650	31,900	35,200	37,000
ELEVATOR-STRUCTURE	25,300	29,350	37,200	------	------	------	------
CASA GRANDE :							
DETACHED AND SEMIDETACHED	18,900	22,800	28,050	33,500	40,400	44,800	47,050
ROW DWELLINGS	17,850	20,700	26,500	31,650	38,000	42,450	44,250
WALKUP	14,250	17,850	22,650	26,800	30,950	34,150	35,750
ELEVATOR-STRUCTURE	25,750	29,950	37,950	------	------	------	------
DOUGLAS :							
DETACHED AND SEMIDETACHED	18,800	22,550	27,950	33,150	39,850	44,500	46,700
ROW DWELLINGS	17,650	21,350	26,350	31,350	37,650	42,100	43,950
WALKUP	15,300	19,100	24,200	28,600	32,850	36,300	38,150
ELEVATOR-STRUCTURE	25,650	29,700	37,650	------	------	------	------
FLAGSTAFF :							
DETACHED AND SEMIDETACHED	18,600	22,450	27,900	33,000	38,800	44,300	46,450
ROW DWELLINGS	17,650	21,350	26,350	31,350	37,650	42,100	43,950
WALKUP	15,250	18,950	24,150	28,400	32,800	36,250	38,000
ELEVATOR-STRUCTURE	27,200	31,400	39,700	------	------	------	------
* KAIBAB :							
DETACHED AND SEMIDETACHED	21,750	26,150	32,250	38,500	46,300	51,700	54,000
ROW DWELLINGS	19,050	23,000	28,350	33,900	40,600	45,300	47,300
WALKUP	16,250	20,400	26,050	30,650	35,550	39,150	41,150
ELEVATOR-STRUCTURE	20,250	23,600	29,850	------	------	------	------
KINGMAN :							
DETACHED AND SEMIDETACHED	18,900	22,800	28,050	33,500	40,400	44,800	47,050
ROW DWELLINGS	17,850	20,700	26,500	31,650	38,000	42,450	44,250
WALKUP	15,350	19,250	24,350	28,850	33,250	36,700	38,450
ELEVATOR-STRUCTURE	25,750	29,950	37,950	------	------	------	------
* FT. MOJAVE :							
DETACHED AND SEMIDETACHED	18,700	22,450	27,850	33,000	39,750	44,250	46,350
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
ARIZONA --CONTINUED							
* SACATON :							
DETACHED AND SEMIDETACHED	18,050	21,850	26,800	32,050	38,550	42,850	44,950
ROW DWELLINGS	17,200	20,700	25,500	30,450	36,600	40,850	42,650
WALKUP	14,700	18,500	23,250	27,550	31,750	35,050	36,750
ELEVATOR-STRUCTURE	21,250	24,650	31,250	------	------	------	------
* SAN CARLOS :							
DETACHED AND SEMIDETACHED	19,700	23,750	29,400	34,900	42,100	46,850	49,100
ROW DWELLINGS	18,600	22,500	27,800	33,150	39,750	44,300	46,200
WALKUP	16,000	20,000	25,200	30,000	36,550	38,100	39,950
ELEVATOR-STRUCTURE	21,400	24,800	31,450	------	------	------	------
* SELLS :							
DETACHED AND SEMIDETACHED	19,500	23,600	29,050	34,550	41,700	46,350	48,650
ROW DWELLINGS	18,500	22,400	27,500	32,800	39,400	44,000	45,900
WALKUP	15,850	19,950	25,100	29,700	34,350	37,900	39,700
ELEVATOR-STRUCTURE	21,900	25,350	32,200	------	------	------	------
* WHITE RIVER :							
DETACHED AND SEMIDETACHED	19,750	23,700	29,350	34,900	42,000	46,650	49,050
ROW DWELLINGS	18,700	22,550	27,800	33,150	39,800	44,550	46,350
WALKUP	15,950	20,050	25,250	30,000	36,600	38,250	40,050
ELEVATOR-STRUCTURE	22,000	25,450	32,250	------	------	------	------
SAFFORD :							
DETACHED AND SEMIDETACHED	19,200	22,950	28,450	33,850	40,650	45,400	47,650
ROW DWELLINGS	18,000	21,850	27,050	32,150	38,600	43,150	45,000
WALKUP	15,500	19,400	24,700	29,250	33,750	37,200	39,050
ELEVATOR-STRUCTURE	25,900	30,150	38,050	------	------	------	------
* CAMP VERDE :							
DETACHED AND SEMIDETACHED	19,350	23,300	28,850	34,150	41,300	46,000	48,250
ROW DWELLINGS	18,250	22,250	27,350	32,500	39,150	43,700	45,600
WALKUP	15,700	19,550	24,750	29,350	33,800	37,200	39,050
ELEVATOR-STRUCTURE	20,650	24,000	30,350	------	------	------	------
* KEAMS CANYON :							
DETACHED AND SEMIDETACHED	22,200	26,650	33,000	39,250	47,300	52,550	55,100
ROW DWELLINGS	20,900	25,250	31,350	37,300	44,600	49,900	51,950
WALKUP	18,050	22,550	28,500	33,750	38,900	42,850	45,150
ELEVATOR-STRUCTURE	23,150	26,750	33,800	------	------	------	------
* FORT MCDOWELL :							
DETACHED AND SEMIDETACHED	18,650	22,400	27,800	32,950	39,700	44,200	44,350
ROW DWELLINGS	17,000	21,400	26,350	31,300	37,550	42,150	43,900
WALKUP	15,100	18,900	24,000	28,350	32,650	36,200	38,000
ELEVATOR-STRUCTURE	20,400	23,700	29,950	------	------	------	------
* PARKER :							
DETACHED AND SEMIDETACHED	19,800	24,050	29,550	35,150	42,450	47,250	49,500
ROW DWELLINGS	18,900	22,750	27,950	33,400	40,100	44,800	46,800
WALKUP	16,200	20,250	25,600	30,250	34,950	38,700	40,500
ELEVATOR-STRUCTURE	21,200	24,600	31,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
ARIZONA --CONTINUED							
* PEACH SPRINGS :							
DETACHED AND SEMIDETACHED	22,100	26,700	33,100	39,250	47,400	52,750	55,250
ROW DWELLINGS	21,000	25,350	31,300	37,300	44,800	49,900	52,200
WALKUP	18,050	22,500	28,500	33,750	38,900	43,000	45,150
ELEVATOR-STRUCTURE	21,600	25,100	31,650	------	------	------	------
TUCSON :							
DETACHED AND SEMIDETACHED	18,800	22,700	28,000	33,150	40,000	44,650	46,750
ROW DWELLINGS	17,700	21,400	26,400	31,500	37,850	42,300	44,200
WALKUP	15,250	19,050	24,100	28,450	32,800	36,300	37,950
ELEVATOR-STRUCTURE	30,100	34,950	44,150	------	------	------	------
YUMA :							
DETACHED AND SEMIDETACHED	17,050	20,550	25,350	30,150	36,350	40,450	42,500
ROW DWELLINGS	16,100	19,450	24,100	28,600	34,500	38,400	40,000
WALKUP	13,150	16,250	20,650	24,500	28,250	31,150	32,650
ELEVATOR-STRUCTURE	20,750	24,250	30,600	------	------	------	------
* SAWMILL :							
DETACHED AND SEMIDETACHED	22,200	26,650	33,000	39,250	47,300	52,550	55,100
ROW DWELLINGS	20,900	25,250	31,350	37,300	44,600	49,900	51,950
WALKUP	18,050	22,550	28,500	33,750	38,900	42,850	45,150
ELEVATOR-STRUCTURE	23,150	26,750	33,800	------	------	------	------
NOGALES :							
DETACHED AND SEMIDETACHED	22,200	26,700	32,950	39,150	47,200	52,650	55,150
ROW DWELLINGS	20,800	25,250	31,100	37,200	44,700	49,750	51,800
WALKUP	18,150	22,450	28,400	33,750	39,000	42,900	------
ELEVATOR-STRUCTURE	29,100	33,850	42,900	------	------	------	------
CALIFORNIA							
LOS ANGELES :							
DETACHED AND SEMIDETACHED	19,700	23,500	29,200	34,900	41,900	46,850	48,950
ROW DWELLINGS	18,650	22,650	27,850	33,150	40,000	44,500	46,400
WALKUP	16,550	20,800	26,000	30,900	35,600	39,300	41,300
ELEVATOR-STRUCTURE	32,650	38,000	47,950	------	------	------	------
BAKERSFIELD :							
DETACHED AND SEMIDETACHED	19,700	23,500	29,200	34,900	41,900	46,850	48,950
ROW DWELLINGS	18,650	22,650	27,850	33,150	40,000	44,500	46,400
WALKUP	16,550	20,800	26,000	30,900	35,600	39,300	41,300
ELEVATOR-STRUCTURE	32,650	38,000	47,950	------	------	------	------
INYOKERN :							
DETACHED AND SEMIDETACHED	20,500	24,350	30,300	36,050	43,450	48,650	50,900
ROW DWELLINGS	19,350	23,500	28,700	34,350	41,300	45,900	48,050
WALKUP	17,150	21,500	27,000	32,050	36,950	40,700	42,750
ELEVATOR-STRUCTURE	33,700	39,350	49,600	------	------	------	------
LANCASTER :							
DETACHED AND SEMIDETACHED	19,750	23,800	29,400	35,050	42,250	47,150	49,500
ROW DWELLINGS	18,800	22,850	28,150	33,550	40,250	44,700	46,800
WALKUP	16,750	20,950	26,200	31,050	36,050	39,600	41,600
ELEVATOR-STRUCTURE	32,850	38,400	48,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA --CONTINUED							
* LONE PINE :							
DETACHED AND SEMIDETACHED	19,300	23,000	28,550	34,100	41,050	45,900	47,950
ROW DWELLINGS	21,050	25,600	31,450	37,400	44,950	50,050	52,250
WALKUP	20,850	26,000	32,850	38,850	45,000	49,550	52,150
ELEVATOR-STRUCTURE	36,200	42,050	53,200	------	------	------	------
MOJAVE :							
DETACHED AND SEMIDETACHED	20,350	24,200	30,100	35,800	43,200	48,200	50,300
ROW DWELLINGS	19,250	23,300	28,600	34,300	41,200	45,800	47,850
WALKUP	17,100	21,350	26,800	31,650	36,500	40,400	42,350
ELEVATOR-STRUCTURE	33,550	39,100	49,450	------	------	------	------
OJAI :							
DETACHED AND SEMIDETACHED	17,450	20,900	26,050	30,950	37,200	41,600	43,450
ROW DWELLINGS	16,500	20,050	24,700	29,400	35,350	39,400	41,200
WALKUP	15,700	19,700	24,800	29,500	34,100	37,350	39,400
ELEVATOR-STRUCTURE	31,150	36,250	45,600	------	------	------	------
OXNARD :							
DETACHED AND SEMIDETACHED	18,300	21,900	27,200	32,350	38,900	43,450	45,600
ROW DWELLINGS	17,300	21,050	25,900	30,850	37,100	41,300	43,050
WALKUP	16,300	20,400	25,650	30,350	35,050	38,850	40,700
ELEVATOR-STRUCTURE	32,650	38,000	47,950	------	------	------	------
PASO ROBLES :							
DETACHED AND SEMIDETACHED	18,850	22,550	27,900	33,250	39,900	44,700	46,850
ROW DWELLINGS	17,800	21,700	26,350	31,850	38,000	42,600	44,300
WALKUP	17,100	21,350	26,800	31,650	36,500	40,400	42,350
ELEVATOR-STRUCTURE	33,550	39,100	49,450	------	------	------	------
PIRU :							
DETACHED AND SEMIDETACHED	17,450	20,900	26,050	30,950	37,200	41,600	43,450
ROW DWELLINGS	16,500	20,050	24,700	29,400	35,350	39,400	41,200
WALKUP	15,700	19,700	24,800	29,500	34,100	37,350	39,400
ELEVATOR-STRUCTURE	31,150	36,250	45,600	------	------	------	------
RIDGECREST :							
DETACHED AND SEMIDETACHED	18,950	22,600	28,100	33,400	40,450	45,000	47,150
ROW DWELLINGS	17,950	21,800	26,800	31,900	38,350	42,750	44,550
WALKUP	17,150	21,500	27,000	32,050	36,950	40,700	42,750
ELEVATOR-STRUCTURE	33,700	39,350	49,600	------	------	------	------
SAN BERNARDINO :							
DETACHED AND SEMIDETACHED	18,300	21,900	27,200	32,350	38,900	43,450	45,600
ROW DWELLINGS	17,300	21,050	25,900	30,850	37,100	41,300	43,050
WALKUP	16,550	20,800	26,000	30,900	35,600	39,300	41,300
ELEVATOR-STRUCTURE	32,650	38,000	47,950	------	------	------	------
VICTORVILLE :							
DETACHED AND SEMIDETACHED	20,600	24,600	30,500	36,500	43,750	48,800	51,000
ROW DWELLINGS	12,500	15,050	18,450	22,200	26,600	29,700	30,850
WALKUP	14,150	17,550	22,150	26,150	30,300	33,350	35,100
ELEVATOR-STRUCTURE	30,850	35,850	45,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA --CONTINUED							
SANTA BARBARA :							
DETACHED AND SEMIDETACHED	18,350	22,100	27,350	32,500	39,250	43,750	45,850
ROW DWELLINGS	17,350	21,250	26,150	31,050	37,400	41,650	43,350
WALKUP	16,850	21,050	26,500	31,200	36,350	39,950	42,050
ELEVATOR-STRUCTURE	32,850	38,400	48,500	------	------	------	------
ARROWHEAD :							
DETACHED AND SEMIDETACHED	20,900	25,100	31,100	37,100	44,700	49,750	52,000
ROW DWELLINGS	12,700	15,450	18,900	22,600	27,200	30,200	31,550
WALKUP	14,350	17,900	22,600	26,750	31,050	34,050	35,900
ELEVATOR-STRUCTURE	31,050	36,550	46,400	------	------	------	------
SANTA MARIA :							
DETACHED AND SEMIDETACHED	18,850	22,550	27,900	33,250	39,900	44,700	46,850
ROW DWELLINGS	17,800	21,700	26,550	31,850	38,000	42,600	44,300
WALKUP	17,100	21,350	26,800	31,650	36,500	40,400	42,350
ELEVATOR-STRUCTURE	33,550	39,100	49,450	------	------	------	------
BARSTOW :							
DETACHED AND SEMIDETACHED	20,600	24,600	30,500	36,500	43,750	48,800	51,000
ROW DWELLINGS	12,500	15,050	18,450	22,200	26,600	29,700	30,850
WALKUP	14,150	17,550	22,150	26,150	30,300	33,350	35,100
ELEVATOR-STRUCTURE	30,850	35,850	45,450	------	------	------	------
TEHACHAPI :							
DETACHED AND SEMIDETACHED	18,850	22,550	27,900	33,250	39,900	44,700	46,850
ROW DWELLINGS	17,800	21,700	26,550	31,850	38,000	42,600	44,300
WALKUP	17,100	21,350	26,800	31,650	36,500	40,400	42,350
ELEVATOR-STRUCTURE	33,550	39,100	49,450	------	------	------	------
BIG BEAR :							
DETACHED AND SEMIDETACHED	20,900	25,100	31,100	37,100	44,700	49,750	52,000
ROW DWELLINGS	12,700	15,450	18,900	22,600	27,200	30,200	31,550
WALKUP	14,350	17,900	22,600	26,750	31,050	34,050	35,900
ELEVATOR-STRUCTURE	31,400	36,550	46,400	------	------	------	------
VENTURA :							
DETACHED AND SEMIDETACHED	18,300	21,900	27,200	32,350	38,900	43,450	45,600
ROW DWELLINGS	17,300	21,050	25,900	30,850	37,100	41,300	43,050
WALKUP	16,550	20,800	26,000	30,900	35,600	39,300	41,300
ELEVATOR-STRUCTURE	32,650	38,000	47,950	------	------	------	------
SANTA ANA :							
DETACHED AND SEMIDETACHED	19,800	23,650	29,250	34,900	42,100	46,800	49,100
ROW DWELLINGS	18,700	22,600	27,700	33,150	39,900	44,450	46,250
WALKUP	16,250	20,150	25,400	30,000	34,800	38,300	40,100
ELEVATOR-STRUCTURE	32,150	37,200	47,100	------	------	------	------
DESERT CENTER :							
DETACHED AND SEMIDETACHED	23,100	27,700	34,300	41,000	49,300	54,950	57,650
ROW DWELLINGS	14,850	17,900	22,000	26,250	31,650	35,200	36,800
WALKUP	16,650	20,550	25,950	30,850	35,650	39,150	41,100
ELEVATOR-STRUCTURE	32,400	37,900	47,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA --CONTINUED							
NEEDLES :							
DETACHED AND SEMIDETACHED	23,400	27,950	34,650	41,450	49,700	55,450	57,950
ROW DWELLINGS	14,950	18,050	22,100	26,600	31,900	35,600	37,000
WALKUP	16,750	20,800	26,250	31,000	35,900	39,500	41,600
ELEVATOR-STRUCTURE	32,700	38,000	48,200	------	------	------	------
SACRAMENTO :							
DETACHED AND SEMIDETACHED	16,350	19,600	24,250	28,750	34,700	38,600	40,650
ROW DWELLINGS	15,400	18,550	22,900	27,300	32,850	36,600	38,150
WALKUP	13,250	16,600	21,050	24,750	28,700	31,650	33,200
ELEVATOR-STRUCTURE	31,250	36,350	45,850	------	------	------	------
* FT. BIDWELL :							
DETACHED AND SEMIDETACHED	29,050	34,900	43,300	47,350	52,400	55,600	56,950
ROW DWELLINGS	27,600	33,150	41,150	45,000	49,750	51,700	53,650
WALKUP	25,000	30,050	37,300	40,700	45,100	46,850	48,700
ELEVATOR-STRUCTURE	24,050	27,800	35,100	------	------	------	------
PLACERVILLE :							
DETACHED AND SEMIDETACHED	16,350	19,600	24,400	28,950	34,900	38,800	40,600
ROW DWELLINGS	15,400	18,600	23,900	27,450	32,900	36,750	38,300
WALKUP	13,650	17,000	21,650	25,500	29,500	32,500	34,050
ELEVATOR-STRUCTURE	32,050	37,450	47,200	------	------	------	------
REDDING :							
DETACHED AND SEMIDETACHED	16,750	20,150	24,900	29,700	35,750	39,700	41,550
ROW DWELLINGS	15,800	19,100	23,550	28,050	33,650	37,550	39,250
WALKUP	13,650	17,000	21,650	25,500	29,500	32,500	34,050
ELEVATOR-STRUCTURE	32,050	37,450	47,200	------	------	------	------
* SUSANVILLE :							
DETACHED AND SEMIDETACHED	28,000	33,700	41,900	47,350	52,900	56,350	58,950
ROW DWELLINGS	26,600	32,050	39,700	45,000	50,100	53,500	55,850
WALKUP	24,000	29,050	35,900	40,700	45,350	48,400	50,700
ELEVATOR-STRUCTURE	24,300	28,100	35,550	------	------	------	------
YREKA :							
DETACHED AND SEMIDETACHED	16,850	20,300	25,100	29,850	36,000	40,100	41,800
ROW DWELLINGS	15,850	19,150	23,650	28,200	33,950	37,700	39,450
WALKUP	13,750	17,100	21,750	25,600	29,650	32,700	34,300
ELEVATOR-STRUCTURE	32,300	37,550	47,450	------	------	------	------
SOUTH LAKE TAHOE :							
DETACHED AND SEMIDETACHED	18,400	22,100	27,350	32,450	39,150	43,650	45,600
ROW DWELLINGS	17,300	20,850	25,850	30,800	37,050	41,250	43,100
WALKUP	14,950	18,750	23,750	27,900	32,400	35,650	37,400
ELEVATOR-STRUCTURE	35,300	40,950	51,600	------	------	------	------
SAN FRANCISCO :							
DETACHED AND SEMIDETACHED	24,350	29,350	36,350	43,250	52,100	57,950	60,550
ROW DWELLINGS	23,200	27,950	34,450	41,100	49,250	54,900	57,400
WALKUP	20,300	25,300	32,000	37,800	43,850	48,250	50,550
ELEVATOR-STRUCTURE	34,850	40,450	51,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA --CONTINUED							
EUREKA :							
DETACHED AND SEMIDETACHED	26,750	32,050	39,650	47,250	56,950	63,400	66,300
ROW DWELLINGS	17,600	21,300	26,150	31,250	37,450	41,850	43,650
WALKUP	15,250	18,900	23,950	28,250	32,800	36,100	37,800
ELEVATOR-STRUCTURE	29,100	33,700	42,550	------	------	------	------
SANTA ROSA :							
DETACHED AND SEMIDETACHED	25,600	30,650	37,900	45,150	54,400	60,650	63,400
ROW DWELLINGS	17,600	21,300	26,150	31,250	37,450	41,850	43,650
WALKUP	15,250	18,900	23,950	28,250	32,800	36,100	37,800
ELEVATOR-STRUCTURE	29,100	33,700	42,550	------	------	------	------
FRESNO :							
DETACHED AND SEMIDETACHED	19,650	23,350	29,000	34,500	41,650	46,250	48,450
ROW DWELLINGS	18,400	22,300	27,500	32,750	39,350	43,850	45,850
WALKUP	16,000	19,850	25,200	29,650	34,450	37,900	39,800
ELEVATOR-STRUCTURE	31,000	36,050	45,600	------	------	------	------
* GRINDSTONE :							
DETACHED AND SEMIDETACHED	28,300	34,200	42,400	48,000	53,550	57,050	59,650
ROW DWELLINGS	27,050	32,550	40,450	45,600	50,950	54,250	56,700
WALKUP	24,400	29,500	36,600	41,300	45,950	49,100	51,450
ELEVATOR-STRUCTURE	18,450	21,350	26,950	------	------	------	------
* HOOPA :							
DETACHED AND SEMIDETACHED	29,000	34,850	43,300	47,100	52,250	54,350	56,800
ROW DWELLINGS	27,450	33,100	41,000	44,750	49,700	51,450	53,500
WALKUP	24,900	29,950	37,100	40,500	44,800	46,550	48,400
ELEVATOR-STRUCTURE	20,150	23,300	29,450	------	------	------	------
* TULE RIVER :							
DETACHED AND SEMIDETACHED	23,650	27,550	35,050	41,650	50,300	56,600	58,250
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
MODESTO :							
DETACHED AND SEMIDETACHED	20,600	24,950	30,650	36,450	43,950	48,850	51,200
ROW DWELLINGS	19,500	23,550	29,100	34,650	41,550	46,250	48,600
WALKUP	16,950	21,100	26,700	31,400	36,400	40,300	41,900
ELEVATOR-STRUCTURE	27,900	32,300	40,750	------	------	------	------
OAKLAND-MARIN :							
DETACHED AND SEMIDETACHED	21,000	25,300	31,100	37,050	44,600	49,650	51,950
ROW DWELLINGS	19,950	23,850	29,450	35,200	42,250	47,100	49,300
WALKUP	17,300	21,350	27,000	31,900	37,100	40,650	42,800
ELEVATOR-STRUCTURE	28,650	33,300	41,950	------	------	------	------
SAN JOSE :							
DETACHED AND SEMIDETACHED	19,000	22,800	28,200	33,650	40,500	45,150	47,150
ROW DWELLINGS	17,950	21,800	26,750	31,950	38,300	42,750	44,600
WALKUP	15,600	19,350	24,550	28,950	33,600	36,950	38,700
ELEVATOR-STRUCTURE	29,100	33,700	42,550	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA --CONTINUED							
SAN DIEGO :							
DETACHED AND SEMIDETACHED	19,750	23,750	29,400	34,900	42,000	46,850	48,900
ROW DWELLINGS	18,800	22,600	27,950	33,150	39,850	44,550	46,650
WALKUP	16,050	20,100	25,500	30,000	34,750	38,250	40,100
ELEVATOR-STRUCTURE	27,650	32,150	40,700	------	------	------	------
EL CAJON :							
DETACHED AND SEMIDETACHED	19,750	23,750	29,400	34,900	42,000	46,850	48,900
ROW DWELLINGS	18,800	22,600	27,950	33,150	39,850	44,550	46,650
WALKUP	16,400	20,600	26,150	30,850	35,800	39,300	41,250
ELEVATOR-STRUCTURE	27,650	32,150	40,700	------	------	------	------
* BARONA :							
DETACHED AND SEMIDETACHED	13,850	17,300	26,600	32,700	39,250	43,850	45,800
ROW DWELLINGS	13,200	16,500	25,300	31,050	37,250	41,650	42,250
WALKUP	13,100	17,200	27,050	33,000	38,200	41,950	44,100
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* CAMPO :							
DETACHED AND SEMIDETACHED	13,600	17,000	29,350	36,150	43,450	48,500	50,700
ROW DWELLINGS	12,950	16,200	27,950	34,350	41,200	46,000	46,750
WALKUP	12,850	16,900	29,900	36,550	42,300	46,400	48,800
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* MORNOGO :							
DETACHED AND SEMIDETACHED	13,450	16,850	25,850	31,850	38,200	42,650	44,550
ROW DWELLINGS	12,800	16,100	24,550	30,250	36,200	40,550	41,050
WALKUP	12,750	16,700	26,300	32,100	37,200	40,800	42,850
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* TORRES-MARTINEZ :							
DETACHED AND SEMIDETACHED	19,350	23,200	28,800	34,400	41,400	46,050	48,300
ROW DWELLINGS	18,600	22,250	27,350	32,700	39,400	43,800	45,800
WALKUP	18,200	22,500	28,400	33,800	39,050	42,850	44,900
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* CHEMEHUEVI :							
DETACHED AND SEMIDETACHED	20,750	25,200	31,000	36,800	44,450	49,450	51,850
ROW DWELLINGS	19,900	24,050	29,300	34,950	42,300	46,900	48,900
WALKUP	19,350	23,450	28,800	34,250	41,350	46,050	48,200
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* SANTA YNEZ :							
DETACHED AND SEMIDETACHED	19,900	23,950	29,700	35,300	42,600	47,450	49,700
ROW DWELLINGS	22,750	27,300	30,200	33,550	48,350	53,850	56,400
WALKUP	17,100	20,550	25,500	30,300	36,650	40,750	42,700
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* RINCON :							
DETACHED AND SEMIDETACHED	14,850	17,950	27,500	33,800	40,500	45,250	47,250
ROW DWELLINGS	14,200	17,100	26,150	32,100	38,500	43,100	43,650
WALKUP	14,050	17,700	27,850	34,050	39,450	43,250	45,450
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA --CONTINUED							
* PALA							
DETACHED AND SEMIDETACHED	15,050	18,050	28,550	34,050	40,800	45,550	47,600
ROW DWELLINGS	14,450	17,250	27,200	32,350	38,850	43,400	45,650
WALKUP	14,250	17,000	27,600	34,350	39,750	43,600	45,800
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
HAWAII							
HONOLULU							
DETACHED AND SEMIDETACHED	22,100	26,900	33,200	39,450	51,150	52,900	55,350
ROW DWELLINGS	23,100	27,650	34,250	40,700	49,100	54,700	57,100
WALKUP	22,350	27,850	35,300	41,800	48,300	53,300	55,900
ELEVATOR-STRUCTURE	40,200	46,800	59,300	------	------	------	------
HILO							
DETACHED AND SEMIDETACHED	24,550	29,550	36,500	43,450	52,300	58,100	61,000
ROW DWELLINGS	25,150	30,500	37,650	44,700	53,900	60,100	62,800
WALKUP	24,700	30,650	38,900	46,050	53,300	58,600	61,550
ELEVATOR-STRUCTURE	44,350	50,800	65,100	------	------	------	------
KAUAI							
DETACHED AND SEMIDETACHED	25,600	31,200	38,200	45,600	55,100	61,050	63,950
ROW DWELLINGS	26,500	32,000	39,650	46,900	56,600	63,250	66,000
WALKUP	25,200	31,300	39,650	46,950	56,450	59,900	62,850
ELEVATOR-STRUCTURE	45,350	52,600	66,550	------	------	------	------
KONO							
DETACHED AND SEMIDETACHED	24,900	30,300	37,200	44,350	53,450	59,450	62,150
ROW DWELLINGS	25,800	31,100	38,500	45,600	55,100	61,500	64,100
WALKUP	25,200	31,300	39,650	46,950	54,450	59,900	62,850
ELEVATOR-STRUCTURE	45,350	52,600	66,550	------	------	------	------
MAUI							
DETACHED AND SEMIDETACHED	24,250	29,400	36,100	43,100	51,950	57,750	60,500
ROW DWELLINGS	25,100	30,300	37,500	44,400	53,600	59,800	62,500
WALKUP	24,500	30,500	38,700	45,550	52,800	58,250	61,100
ELEVATOR-STRUCTURE	44,000	51,200	64,750	------	------	------	------
GUAM							
DETACHED AND SEMIDETACHED	20,400	24,600	30,350	36,100	43,600	48,500	50,800
ROW DWELLINGS	21,100	25,250	31,350	37,250	45,150	49,950	52,300
WALKUP	20,500	25,400	32,250	38,150	44,250	48,550	51,100
ELEVATOR-STRUCTURE	36,200	42,950	54,350	------	------	------	------
NEVADA							
RENO							
DETACHED AND SEMIDETACHED	18,850	22,500	27,950	33,200	40,100	44,550	46,700
ROW DWELLINGS	17,750	21,550	26,600	31,550	38,050	42,600	44,300
WALKUP	15,350	18,950	24,200	28,550	33,100	36,550	38,150
ELEVATOR-STRUCTURE	34,800	40,600	51,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
NEVADA --CONTINUED							
LAS VEGAS :							
DETACHED AND SEMIDETACHED	19,450	23,300	29,100	34,550	41,400	46,300	48,500
ROW DWELLINGS	18,500	22,350	27,450	32,650	39,550	44,150	46,050
WALKUP	15,800	19,550	24,850	29,350	34,100	37,550	39,300
ELEVATOR-STRUCTURE	35,950	41,700	52,650	------	------	------	------
ELKO :							
DETACHED AND SEMIDETACHED	------	------	37,550	43,950	52,500	58,250	60,950
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
FALLON :							
DETACHED AND SEMIDETACHED	------	------	37,550	43,950	52,500	58,250	60,950
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
GARDNERVILLE :							
DETACHED AND SEMIDETACHED	------	------	34,550	40,650	48,650	53,700	56,300
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
REGION X							
ALASKA							
ANCHORAGE :							
DETACHED AND SEMIDETACHED	22,850	27,750	34,150	40,800	48,950	54,450	57,050
ROW DWELLINGS	21,850	26,450	32,600	38,750	46,850	52,050	54,350
WALKUP	20,900	26,050	32,900	39,050	45,200	49,700	52,350
ELEVATOR-STRUCTURE	40,600	47,400	59,950	------	------	------	------
FAIRBANKS :							
DETACHED AND SEMIDETACHED	24,450	29,450	36,300	43,500	52,250	58,000	60,850
ROW DWELLINGS	23,350	28,200	34,700	41,200	49,900	55,400	57,950
WALKUP	22,200	27,750	35,100	41,500	48,150	53,050	55,800
ELEVATOR-STRUCTURE	43,050	50,050	63,250	------	------	------	------
JUNEAU :							
DETACHED AND SEMIDETACHED	22,150	26,800	32,950	39,450	47,300	52,700	55,200
ROW DWELLINGS	21,200	25,600	31,650	37,700	45,500	50,500	52,800
WALKUP	20,900	26,050	33,100	39,050	45,200	49,850	52,350
ELEVATOR-STRUCTURE	39,300	45,800	57,750	------	------	------	------
KETCHIKAN :							
DETACHED AND SEMIDETACHED	22,000	26,700	32,850	39,300	47,000	52,500	54,900
ROW DWELLINGS	20,950	25,400	31,350	37,200	44,950	49,900	52,250
WALKUP	20,950	26,100	33,150	39,200	45,300	50,000	52,550
ELEVATOR-STRUCTURE	39,800	46,250	58,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
ALASKA --CONTINUED							
KODIAK :							
DETACHED AND SEMIDETACHED	22,000	26,700	32,850	39,300	47,150	52,500	54,950
ROW DWELLINGS	20,950	25,400	31,350	37,200	44,950	49,900	52,250
WALKUP	20,950	26,100	33,150	39,250	45,300	50,000	52,550
ELEVATOR-STRUCTURE	40,000	46,450	58,800	------	------	------	------
SITKA :							
DETACHED AND SEMIDETACHED	22,150	26,750	33,000	39,450	47,300	52,700	55,150
ROW DWELLINGS	21,200	25,550	31,500	37,300	45,150	50,150	52,550
WALKUP	21,200	26,500	33,500	39,800	45,950	50,550	53,050
ELEVATOR-STRUCTURE	41,000	47,700	60,300	------	------	------	------
KENAI :							
DETACHED AND SEMIDETACHED	25,450	30,800	38,000	45,250	54,250	60,750	63,350
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* YAKUTAT :							
DETACHED AND SEMIDETACHED	25,450	30,800	38,000	45,250	54,250	60,750	63,350
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* FORT YUKON :							
DETACHED AND SEMIDETACHED	41,950	50,850	62,900	74,850	91,250	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* GALENA :							
DETACHED AND SEMIDETACHED	45,050	54,750	67,550	80,500	98,050	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
*COASTAL AREA N OF ALEUTIANS :							
DETACHED AND SEMIDETACHED	50,750	61,700	76,200	90,600	110,700	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
* TOK JUNCTION :							
DETACHED AND SEMIDETACHED	38,800	47,150	58,100	69,200	84,400	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
*BARTER ISL. N. COASTAL AREA :							
DETACHED AND SEMIDETACHED	52,250	63,450	78,400	93,350	113,950	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
ALASKA --CONTINUED							
* INLAND AREA N OF ALEUTIANS :							
DETACHED AND SEMIDETACHED	57,550	70,400	87,000	103,600	126,350	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
IDAHO							
BOISE :							
DETACHED AND SEMIDETACHED	21,400	25,850	31,650	38,000	45,650	50,700	53,200
ROW DWELLINGS	20,350	24,550	30,200	36,100	43,500	48,350	50,700
WALKUP	17,450	21,750	27,650	32,700	37,650	41,650	43,550
ELEVATOR-STRUCTURE	23,600	27,500	34,800	------	------	------	------
IDAHO FALLS :							
DETACHED AND SEMIDETACHED	22,050	26,950	32,950	39,400	47,400	52,600	55,100
ROW DWELLINGS	21,000	25,600	31,400	37,450	45,150	50,300	53,650
WALKUP	18,250	22,600	28,650	33,950	39,050	43,300	45,350
ELEVATOR-STRUCTURE	24,600	28,450	36,150	------	------	------	------
MCCALL :							
DETACHED AND SEMIDETACHED	22,350	27,100	33,100	39,800	47,700	53,050	55,700
ROW DWELLINGS	21,450	25,750	31,550	37,850	45,550	50,700	53,100
WALKUP	18,450	22,850	28,900	34,100	39,450	43,700	45,700
ELEVATOR-STRUCTURE	24,750	28,650	36,450	------	------	------	------
POCATELLO :							
DETACHED AND SEMIDETACHED	23,400	28,600	35,050	41,950	50,500	56,000	58,750
ROW DWELLINGS	22,500	27,250	33,400	39,900	47,950	53,500	56,050
WALKUP	19,150	24,150	30,450	36,150	41,650	46,150	48,350
ELEVATOR-STRUCTURE	26,150	30,350	38,400	------	------	------	------
TWIN FALLS :							
DETACHED AND SEMIDETACHED	23,300	28,250	34,750	41,550	50,150	55,700	58,450
ROW DWELLINGS	22,200	27,050	33,150	36,100	47,550	53,050	55,650
WALKUP	19,100	23,800	30,300	35,800	41,300	45,700	47,950
ELEVATOR-STRUCTURE	25,950	30,200	38,100	------	------	------	------
LEWISTON :							
DETACHED AND SEMIDETACHED	22,850	27,650	34,250	40,550	49,050	54,600	57,100
ROW DWELLINGS	21,850	26,400	32,750	38,700	46,650	52,000	54,450
WALKUP	17,350	21,500	27,400	32,200	37,250	41,150	43,300
ELEVATOR-STRUCTURE	24,300	28,400	35,750	------	------	------	------
* COEUR D'ALENE :							
DETACHED AND SEMIDETACHED	24,750	29,900	36,950	44,000	53,050	59,050	61,700
ROW DWELLINGS	23,600	28,650	35,250	41,800	50,700	56,150	58,950
WALKUP	20,300	25,150	32,250	37,850	43,700	48,250	50,650
ELEVATOR-STRUCTURE	25,950	30,350	38,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
OREGON							
PORTLAND :							
DETACHED AND SEMIDETACHED	20,550	24,700	30,500	36,500	43,850	48,700	51,050
ROW DWELLINGS	19,550	23,750	29,350	34,700	41,950	46,550	48,600
WALKUP	16,800	21,050	26,600	31,400	36,550	40,150	42,200
ELEVATOR-STRUCTURE	25,650	29,550	37,450	------	------	------	------
PENDLETON :							
DETACHED AND SEMIDETACHED	21,000	25,200	31,100	37,350	44,800	49,750	52,200
ROW DWELLINGS	24,050	29,350	36,100	42,700	51,750	57,400	59,950
WALKUP	17,200	21,600	27,300	32,150	37,500	41,200	43,300
ELEVATOR-STRUCTURE	28,000	32,350	41,000	------	------	------	------
* MISSION :							
DETACHED AND SEMIDETACHED	23,350	28,100	34,600	41,550	49,850	55,350	58,000
ROW DWELLINGS	22,200	27,050	33,400	39,450	47,750	53,050	55,400
WALKUP	19,150	23,950	30,300	35,700	41,600	45,750	48,100
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
ONTARIO :							
DETACHED AND SEMIDETACHED	21,800	26,350	32,300	38,900	46,600	51,900	54,450
ROW DWELLINGS	20,950	25,150	30,950	36,800	44,550	49,700	52,050
WALKUP	18,050	22,500	28,350	33,700	38,750	42,950	44,950
ELEVATOR-STRUCTURE	26,800	31,150	39,650	------	------	------	------
BEND :							
DETACHED AND SEMIDETACHED	20,000	24,100	29,650	35,600	42,750	47,350	49,750
ROW DWELLINGS	18,900	23,050	28,600	33,750	40,750	45,350	47,250
WALKUP	16,150	20,000	25,400	30,000	34,950	38,250	40,300
ELEVATOR-STRUCTURE	25,650	29,550	37,450	------	------	------	------
* WARM SPRINGS :							
DETACHED AND SEMIDETACHED	23,350	28,100	34,600	41,550	49,850	55,350	58,000
ROW DWELLINGS	22,200	27,050	33,400	39,450	47,750	53,050	55,400
WALKUP	19,150	23,950	30,300	35,700	41,600	45,750	48,100
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
COOS BAY :							
DETACHED AND SEMIDETACHED	20,050	24,300	29,800	35,950	43,000	47,850	50,050
ROW DWELLINGS	19,100	23,100	28,700	33,850	41,050	45,550	47,500
WALKUP	17,300	21,550	27,300	32,300	37,700	41,350	43,450
ELEVATOR-STRUCTURE	26,250	30,450	38,300	------	------	------	------
EUGENE :							
DETACHED AND SEMIDETACHED	19,150	23,150	28,500	34,250	41,000	45,600	47,750
ROW DWELLINGS	18,200	22,200	27,450	32,450	39,150	43,550	45,450
WALKUP	15,450	18,400	24,650	29,000	33,800	37,150	39,100
ELEVATOR-STRUCTURE	25,100	29,050	36,850	------	------	------	------
MEDFORD :							
DETACHED AND SEMIDETACHED	19,500	23,350	28,800	34,600	39,300	46,250	48,250
ROW DWELLINGS	18,550	22,400	27,700	32,800	39,700	44,150	45,950
WALKUP	16,500	20,450	26,050	30,550	35,600	39,300	41,400
ELEVATOR-STRUCTURE	25,300	29,250	37,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
OREGON --CONTINUED							
WEST SALEM :							
DETACHED AND SEMIDETACHED	19,650	23,850	29,250	35,200	42,250	46,850	49,100
ROW DWELLINGS	18,750	22,850	28,250	33,300	40,400	44,850	46,800
WALKUP	16,150	20,000	25,300	29,900	34,850	38,250	40,300
ELEVATOR-STRUCTURE	25,700	30,000	37,750	------	------	------	------
WASHINGTON							
SEATTLE :							
DETACHED AND SEMIDETACHED	17,850	21,600	26,550	31,700	38,050	42,250	44,350
ROW DWELLINGS	16,900	20,450	25,250	30,100	36,150	40,200	42,000
WALKUP	15,500	19,400	24,550	29,000	33,550	36,900	38,750
ELEVATOR-STRUCTURE	23,950	27,800	35,050	------	------	------	------
PORT ANGELES :							
DETACHED AND SEMIDETACHED	18,300	22,100	27,250	32,500	39,150	43,500	45,550
ROW DWELLINGS	17,350	20,950	25,750	30,750	37,150	41,250	43,100
WALKUP	15,200	18,850	23,950	28,300	32,800	36,050	37,950
ELEVATOR-STRUCTURE	24,500	28,500	36,100	------	------	------	------
* TAHOLA :							
DETACHED AND SEMIDETACHED	17,800	21,500	26,550	31,650	38,100	42,350	44,350
ROW DWELLINGS	16,100	19,550	23,900	28,600	34,400	38,300	40,150
WALKUP	16,000	19,850	25,400	29,700	34,450	37,900	39,800
ELEVATOR-STRUCTURE	22,250	25,850	32,700	------	------	------	------
LONGVIEW :							
DETACHED AND SEMIDETACHED	18,350	22,200	27,400	32,750	39,450	43,800	45,900
ROW DWELLINGS	21,400	26,000	31,900	37,750	45,750	51,000	53,150
WALKUP	16,100	19,950	25,350	30,000	34,650	38,250	40,050
ELEVATOR-STRUCTURE	24,650	28,800	36,350	------	------	------	------
ABERDEEN :							
DETACHED AND SEMIDETACHED	18,000	21,700	26,750	32,000	38,600	42,750	44,750
ROW DWELLINGS	20,750	25,150	31,100	37,050	44,600	49,450	52,000
WALKUP	15,700	19,500	24,850	29,100	33,800	37,350	39,150
ELEVATOR-STRUCTURE	24,100	27,950	35,450	------	------	------	------
BELLINGHAM :							
DETACHED AND SEMIDETACHED	18,000	21,700	26,750	32,000	38,600	42,750	44,750
ROW DWELLINGS	20,750	25,150	31,100	37,050	44,600	49,450	52,000
WALKUP	15,700	19,500	24,850	29,100	33,800	37,350	39,150
ELEVATOR-STRUCTURE	24,100	27,950	35,450	------	------	------	------
OLYMPIA :							
DETACHED AND SEMIDETACHED	18,000	21,700	26,750	32,000	38,600	42,750	44,750
ROW DWELLINGS	20,750	25,150	31,100	37,050	44,600	49,450	52,000
WALKUP	15,700	19,500	24,850	29,100	33,800	37,350	39,150
ELEVATOR-STRUCTURE	24,100	27,950	35,450	------	------	------	------
YAKIMA :							
DETACHED AND SEMIDETACHED	18,650	22,600	27,700	33,350	40,050	44,650	46,800
ROW DWELLINGS	22,100	26,300	32,550	38,650	46,450	51,700	53,850
WALKUP	15,450	19,250	24,550	29,050	33,550	37,050	38,900
ELEVATOR-STRUCTURE	25,100	29,250	37,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
WASHINGTON --CONTINUED							
* NESPELLEM							
DETACHED AND SEMIDETACHED	17,800	21,550	26,600	31,650	38,100	42,350	44,450
ROW DWELLINGS	16,150	19,450	24,100	28,600	34,550	38,300	40,100
WALKUP	16,700	20,800	26,350	31,100	35,950	39,700	41,700
ELEVATOR-STRUCTURE	21,300	24,750	31,500	------	------	------	------
SPOKANE							
DETACHED AND SEMIDETACHED	15,250	18,450	22,700	27,000	32,550	36,200	37,950
ROW DWELLINGS	14,500	17,450	21,600	25,650	31,000	34,350	35,900
WALKUP	14,750	18,300	23,300	27,400	31,750	35,050	36,800
ELEVATOR-STRUCTURE	26,550	30,850	39,100	------	------	------	------
CHENEY							
DETACHED AND SEMIDETACHED	15,350	18,650	23,050	27,400	33,000	36,800	38,450
ROW DWELLINGS	14,650	17,800	21,850	26,000	31,300	34,750	36,400
WALKUP	13,500	16,750	21,350	25,100	29,050	32,050	33,600
ELEVATOR-STRUCTURE	26,850	31,350	39,600	------	------	------	------
KENNEWICK							
DETACHED AND SEMIDETACHED	15,500	18,750	23,150	27,550	33,100	36,900	38,600
ROW DWELLINGS	15,050	18,200	22,500	26,850	32,250	35,800	37,500
WALKUP	14,900	18,450	23,500	27,600	32,050	35,300	37,100
ELEVATOR-STRUCTURE	22,250	24,500	31,100	------	------	------	------
PULLMAN							
DETACHED AND SEMIDETACHED	16,000	19,250	23,750	28,400	34,050	37,950	39,650
ROW DWELLINGS	15,500	18,850	23,050	27,550	33,100	36,800	38,600
WALKUP	15,050	18,650	23,800	28,050	32,550	35,950	37,500
ELEVATOR-STRUCTURE	29,200	34,100	43,100	------	------	------	------

[FR Doc. 79-17225 Filed 6-5-79; 8:45 am]

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Federal Register

Wednesday
June 6, 1979

Part III

Department of Commerce

Bureau of Economic Analysis

Mandatory Reporting Requirement for Direct Investment Surveys

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Direct Investment Surveys; Mandatory Reporting Requirement

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rules.

SUMMARY: This document amends the rules to institute a mandatory reporting requirement for (1) a statistical survey of a U.S. business enterprise at the time a 10 percent or more, direct or indirect, voting interest in it (whether it is an incorporated or unincorporated entity) is secured by a foreign person; (2) to require the reporting of a purchase of a business segment or operating unit of a U.S. business enterprise by an existing U.S. affiliate of a foreign person; and (3) to require certain information to be reported by other parties to such investment transactions (the foreign parent, and existing U.S. affiliate of a foreign person, and persons assisting or intervening in the purchase or sale of such investment interests). The purpose of this amendment is to further implement the President's responsibilities under the International Investment Survey Act of 1976. These responsibilities were delegated to the Secretary of Commerce in Section 3 of Executive Order 11961 of January 19, 1977.

EFFECTIVE DATE: The rules are effective as of January 1, 1979 and reports are required for all covered transactions occurring on or after January 1, 1979. (Note that the 45-day due date established in the reports themselves shall run from the *publication date* of these final rules for all covered transactions taking place prior to the publication date.)

FOR FURTHER INFORMATION CONTACT: James L. Bomkamp, Chief, Foreign Direct Investment in U.S. Branch, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, 202-523-0547.

SUPPLEMENTARY INFORMATION: On December 13, 1978 (43 FR 58194) the Department of Commerce published a notice of proposed rulemaking to amend the rules regarding the institution of a mandatory reporting requirement which was essentially the same as that contained in the "Summary" above.

These final rules and the forms reflect changes made as a result of comments received from interested parties, including members of the general public. The major changes are:

1. Form BE-13 itself and Schedule C have been combined and labeled Form BE-13A; Schedules A and B have been combined and labeled Form BE-13B; and Schedule D has been made a separate form and labeled Form BE-14. These changes did not necessarily lead to an increase or decrease in the amount of information being reported other than the addition of a checkbox to indicate type of transaction covered or the person by or for whom the report is being completed. This addition and some rewording of the questions, permitted the reduction in the number of separate schedules without substantially altering the content of the surveys.

2. A number of financial and operating data items were eliminated from the new Form BE-13A and the requirement that the totals for twenty-five items also be disaggregated by State has been dropped. A few items were added or further subdivided. The overall effect is a sizeable reduction in the data to be reported.

3. An exemption level of $500,000.00 (of assets, cost of acquisition, or capitalization of a joint venture, including loans from the joint venturers, as appropriate) has been instituted in order to eliminate reporting of relatively small investments.

4. Form BE-13A excludes certain information that previously was to be required on Schedule C; instead, that information is now included on Form BE-13B. Specifically, information on the financing of an investment by an existing U.S. affiliate that acquires a U.S. business enterprise, business segment, or operating unit and merges it into its own operations will be reported on Form BE-13B rather than on Form BE-13A.

5. Form BE-14 expands the coverage of former Schedule D to require reporting by a U.S. person that enters into a joint venture with a foreign person to create a U.S. business enterprise.

6. The wording of Form BE-14 makes explicit that reporting is required of U.S. persons assisting or intervening in the purchase or sale of covered direct investment interests, such as real estate brokers, business brokers, and investment bankers, rather than just by intermediaries with a continuing relationship with a foreign investor.

Authority: Pub. L. 94-472, 22 U.S.C. 3101-3108.

In consideration of the foregoing, Part 806, 15 CFR, is amended as set forth below.

Elsa A. Porter,

Assistant Secretary for Administration.

In § 806.15, strike present paragraph (g)(2); renumber present paragraph (g)(3) to (g)(2); and add new paragraphs (g)(3) and (g)(4) as follows:

§ 806.15 Foreign direct investment in the United States.

* * * * *

(g) * * *

(3) BE-13—Report on a Foreign Person's Establishment, Acquisition, or Purchase of the Operating Assets of a U.S. Business Enterprise, including Real Estate. Reporting under this survey consists of:

(i) Form BE-13A: Form for a U.S. Business Enterprise, Business Segment, or Operating Unit that has been Established or Acquired by a Foreign Person or Existing U.S. Affiliate of a Foreign Person—to be completed either:

(A) by a U.S. business enterprise when a foreign person establishes or acquires directly, or indirectly through an existing U.S. affiliate, a 10 percent or more voting interest in that enterprise, including an enterprise that results from the direct or indirect acquisition by a foreign person of a business segment or operating unit of an existing U.S. business enterprise that is then organized as a separate legal entity; or

(B) by the existing U.S. affiliate of a foreign person when it acquires a U.S. business enterprise, or a business segment or operating unit of a U.S. business enterprise, that the existing U.S. affiliate merges into its own operations rather than continuing or organizing as a separate legal entity.

Exemptions

Total

(a) Real estate held exclusively for personal use and not for profitmaking purposes is exempt from being reported. A residence that is leased by an owner who intends to reoccupy it is considered real estate held for personal use.

(b) An existing U.S. affiliate is totally exempt from reporting the acquisition of a U.S. business enterprise, or a business segment or operating unit of a U.S. business enterprise, that it then merges into its own operations, if the total cost of the acquisition was $500,000.00 or less.

Partial

An established or acquired U.S. business enterprise, as consolidated, is partially exempt if its total assets (not the foreign parent's or existing U.S. affiliate's share) at the time of acquisition or immediately after being established, were $500,000.00 or less and it does not own 200 acres or more of U.S. land. (If it owns 200 acres or more of U.S.

land, it must report regardless of the value of total assets.) If partially exempt, the established or acquired U.S. business enterprise must still file a Form BE-13A, but only Part I and items 5 through 19 of Part II need be completed, and a notation made giving the value of assets and the number of acres of U.S. land owned.

(ii) Form BE-13B: Form for Foreign Person, or Existing U.S. Affiliate of a Foreign Person, that Establishes or Acquires a U.S. Business Enterprise, or a Business Segment or Operating Unit of a U.S. Business Enterprise—to be completed either:

(A) By a foreign person when it establishes or acquires a *direct* voting interest in a U.S. business enterprise that become its U.S. affiliate, or for the foreign person by the established or acquired U.S. business enterprise to the extent it has or can secure the information; or

(B) By an existing U.S. affiliate of a foreign person when it establishes or acquires a direct voting interest in a U.S. business enterprise of such a magnitude that the established or acquired enterprise becomes a U.S. affiliate of the foreign person, i.e., the foreign person thereby acquires an indirect (or direct and indirect) voting interest of 10 percent or more in the established or acquired U.S. business enterprise; or

(C) By an existing U.S. affiliate of a foreign person when it acquires a U.S. business enterprise, or a business segment or operating unit of a U.S. business enterprise, and merges it into its own operations.

A separate Form BE-13B must be completed by or for each foreign parent, or by each existing U.S. affiliate, that has established or acquired a direct voting interest in a U.S. business enterprise.

Total Exemption—The foreign parent or existing U.S. affiliate is exempt from filing a BE-13B if:

(a) The entity established or acquired consists of real estate held exclusively for personal use and not for profitmaking purposes. A residence that is leased by an owner who intends to reoccupy it is considered real estate held for personal use.

(b) The total cost of the U.S. business enterprise, or business segment or operating unit of a U.S. business enterprise, that is acquired by an existing U.S. affiliate and merged into its own operations is $500,000.00 or less.

(c) The established or acquired U.S. business enterprise, as consolidated, has total assets (not the foreign parent's or existing U.S. affiliate's share) at the time of acquisition or immediatley after being established, of $500,000.00 or less and does not own 200 acres or more of U.S. land. (If the established or acquired U.S. business enterprise owns 200 acres or more of U.S. land, the foreign parent or existing U.S. affiliate must report regardless of the value of total assets.)

(4) Form BE-14—Report by a U.S. Person Who Assists or Intervenes in the Acquisition of a U.S. Business Enterprise by, or Who Enters into a Joint Venture With, a Foreign Person—to be completed either by:

(A) a U.S. person—including, but not limited to, an intermediary, a real estate broker, business broker, and a brokerage house—who assists or intervenes in the sale to, or purchase by, a foreign person or a U.S. affiliate of a foreign person, of a 10 percent or more voting interest in a U.S. business enterprise, including real estate; or

(B) a U.S. person who enters into a joint venture with a foreign person to create a U.S. business enterprise.

A U.S. person is required to report only when such a foreign involvement is known; it is not incumbent upon the U.S. person to ascertain the foreign status of a person involved in an acquisition unless the U.S. person has reason to believe the acquiring party may be a foreign person.

If a U.S. person required to file a Form BE-14 files either Form BE-13A or Form BE-13B relating to the acquisition of the U.S. business enterprise by a foreign person, then Form BE-14 is not required.

Total Exemptions—(a) Real estate held exclusively for personal use and not for profitmaking purposes is exempted from being reported. A residence that is leased by an owner who intends to reoccupy it is considered real estate held for personal use.

(b) If the U.S. business enterprise acquired has total assets of, or if the capitalization (including loans from the joint venturers) of the joint venture to be established is, $500,000.00 or less, than no report is required, provided the enterprise does not own 200 acres or more of U.S. land. (If it owns 200 acres or more of U.S. land, a report is required regardless of the value of total assets.)

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Federal Register

Wednesday
June 6, 1979

Part IV

Department of the Interior

Bureau of Land Management

Areas of Critical Environmental Concern; Intent To Prepare Policy and Procedures Guidelines

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Areas of Critical Environmental Concern; Intent To Prepare Policy and Procedures Guidelines

AGENCY: Bureau of Land Management, Interior

ACTION: Proposed Guidelines.

SUMMARY: The Bureau of Land Management (BLM) is proposing to issue guidelines to implement provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) with regard to Areas of Critical Environmental Concern (ACECs) within the public lands administered by BLM. The proposed guidelines, in draft form, are available for review and public comment is requested. The proposed guidelines accompany this notice as Attachment A.

DATES: Comment by August 6, 1979. A public informational meeting will be held in Washington, D.C., June 18, 1979, at 9 a.m., in Room 8069, Department of the Interior Building, entrance from E Street, between 18th and 19th Streets, NW.

ADDRESS: Comments should be sent to the Director (303), Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. Comments received will be available for public review in room 5615 at the above address from 7:45 a.m. to 4:15 p.m., on regular working days. Copies are available from the Division of Wilderness and Environmental Areas, Room 5615, Department of the Interior Building, 18th and E Streets, NW., Washington, D.C. 20240, telephone (202) 343-6064; and from the other BLM office locations listed in Attachment B to this notice.

FOR FURTHER INFORMATION CONTACT: Terry Sopher, Chief, Division of Wilderness and Environmental Areas, BLM (303), at the above address, telephone (202) 343-6064.

SUPPLEMENTARY INFORMATION: 1. *Purposes:* These proposed guidelines for identifying, designating, and managing Areas of Critical Environmental Concern (ACECs) on the public lands are being made available in draft form to invite public comment to improve their usefulness. The guidelines are intended to provide direction to BLM personnel in administering the ACEC process, and information to all who may wish to participate in this process.

2. *Objectives:* The objectives of the ACEC process itself are to identify, designate and manage areas within the public lands where special management attention is required (a) to protect important historic, cultural and scenic values, fish and wildlife resources and other natural systems and processes, and (b) to protect human life and property from natural hazards.

3. *Authority and Policy:* The authority for this process is the Federal Land Policy and Management Act (FLPMA), and the basic concepts for its implementation are outlined in the summary portion of the proposed guidelines.

4. *Geographic Coverage:* The proposed guidelines apply to Federal lands administered by the Secretary of the Interior through BLM, except lands located on the Outer Continental Shelf, and lands held for the benefit of Indians, Aleuts, and Eskimos. Most of the public lands administered by BLM are located in the western States of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

5. *Relationship to Planning:* Identification and designation of ACECs would, under the proposed guidelines, be done through the land use planning process authorized by FLPMA, called the resource management planning process, and expressed in land use plans called Resource Management Plans. Proposed regulations for operation of this planning process were published in the Federal Register of Dec. 15, 1978 (43 FR 58764-58774) as proposed rulemaking. The public comment period for those proposed regulations ended April 1, 1979, and final regulations will be published soon in the Federal Register. Because of FLPMA's requirement that ACEC designation decisions are to be made through the development and revision of these plans, the final planning regulations will cover the basic steps of the ACEC process. If, as a result of public comment on the proposed ACEC guidelines, the Secretary decides that any of the ACEC provisions in the planning regulations should be modified, this would be done. Inquiries about the Bureau's proposed planning regulations may be directed to Robert A. Jones, Chief, Division of Environmental and Planning Coordination, BLM (220), U.S. Department of the Interior, Washington, D.C. 20240; telephone (202) 343-5682.

6. *Field Responsibility:* The basic planning unit for which most Resource Management Plans are to be prepared are Resource Areas, the smallest administrative unit used by BLM. There are 178 Resource Areas in the western states, exclusive of Alaska, averaging 950,000 Federal surface acres each, and from two to four Resource Areas in each of the 54 BLM Districts, exclusive of Alaska. District Managers, as the line of officials of BLM responsible for resource management in each District, would have the basic responsibility for administering both planning and ACEC activities.

7. *Background:* The proposed guidelines are based on BLM experience in field-testing ACEC concepts. In 1977 the Director of BLM provided interim guidance to field officials (Organic Act Directive 77-77, October 28, 1977). Since then, BLM State Offices have conducted pilot ACEC identification projects using the interim guidance procedures. In addition, identification of environmental resources and natural hazards for consideration for ACEC designation purposes is being tested currently in Southern California as part of the development of the California Desert Conservation Area Plan, to be discussed at public meetings this fall and to be published in draft for public review next January.

8. *Implementation:* After review of public comment on the proposed guidelines, they will be revised, adopted and issued. These guidelines are the second of three levels of specificity in ACEC implementation guidance and direction materials. The first is the planning regulations (when adopted, at 43 CFR Part 1601), which will provide for integration of the ACEC process into the Bureau's on-the-ground planning process. Second is these guidelines, that will provide both direction and guidance of general applicability to the ACEC process, and that after adoption, will be incorporated into the BLM Manual. A third level will be additional guidance that is both more technical concerning the different kinds of environmental resources and natural hazards relevant to the ACEC process, and is more detailed in procedural instruction. This latter material will be adopted in the form of a BLM Manual after the guidelines have been issued in final form.

9. *Public Involvement:* The process proposed in these draft guidelines will rely strongly on participation by interested citizens early in the ACEC process and throughout its identification, designation and management phases. The public participation provisions extend to representatives of State and local governments, Indian tribal governments,

other Federal agencies, as well as to any interested group or individual. All who are interested in the future of the public lands are invited to take part in developing this special management process.

Dated: May 31, 1979.

Arnold E. Petty,

Acting Associate Director.

Attachment A.—Areas of Critical Environmental Concern

Proposed Guidelines

Areas of Critical Environmental Concern—Proposed Guidelines

I. Summary

Proposed Guidelines—Areas of Critical Environmental Concern

I. Summary

A. *Purposes and Objectives.* The guidelines set forth policy and procedures for identifying, designating and giving special management attention to Areas of Critical Environmental Concern within the public lands administered by the Secretary of the Interior through the Bureau of Land Management (BLM). The purposes of this document are to provide guidance and direction to BLM personnel and information to the public to enable all interested persons to participate effectively in this aspect of managing these lands. These guidelines of general application will be followed by technical, and more detailed procedural, guidance in the BLM Manual.

The objectives of the process covered by these guidelines are to identify, designate and manage areas within the public lands where special management attention is required (a) to protect important and critical historic, cultural, and scenic values, fish and wildlife resources and other natural systems and processes, and (b) to protect human life and property from natural hazards.

B. *Authority and Mandate.* The Federal Land Policy and Management Act of 1976 (the Act, or FLPMA) contains the following key provisions regarding Areas of Critical Environmental Concern:

1. *Definition.* An "Area of Critical Environmental Concern" (ACEC) is an area "within the public lands where special management attention is required (when such areas are developed or used, or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards" (Sec. 103(a));

2. *Identification Priority and Effect.* ACEC identification shall be given "priority" in the "inventory of all public lands and their resource and other values," and identification "shall not, of itself, change or prevent change of the management or use of public lands" (Sec. 201(a);

3. *Designation Priority and Processes.* The designation of ACECs shall be given "priority" in "the development and revision of land use plans" (Sec. 202(c)(3)), and

4. *Special Management Priority.* The protection of ACECs shall be given "priority" (Sec. 202(c)(3)) in applying the required special management attention.

C. *Basic Concepts.* 1. *Protective Management Policies Apply to All Public Lands.* In FLPMA Congress declared a basic policy directing "management, protection, development, and enhancement of all the public lands" to protect certain environmental values. The Act says:

—That the public lands shall "be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use" (Sec. 102(a)(8));

—That "in managing the public lands," BLM "shall, by regulations or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands" (Sec. 302(b));

—That management shall be under principles of multiple use and sustained yield (Secs. 102(a)(7), 202(c)(1), and 302(a)), and environmental values are incorporated in the Act's definition of multiple use (Sec. 103(c)).

Thus, Congress had established an overall policy framework, within a context of multiple use, sustained yield and protection of environmental quality, for management of all of the public lands.

2. *ACECs Are Special Places within the Public Lands.* In addition to establishing such basic protective management policies that apply to all the public lands, Congress has said that "management of national resource lands [public lands] is to include" giving special attention to the protection of ACECs, for the purpose of ensuring "that the most environmentally important and fragile lands will be given * * * early attention and protection" (Senate Report 94–583, on FLPMA). Thus, the ACEC process is to be used to provide whatever special management is required to protect those environmental resources that are: (a) most important, i.e., those that make certain limited specific areas, where these most important resources are located, special places, endowed by nature or man with characteristics that set them apart, and that also are: (b) critical, i.e., fragile, sensitive or vulnerable to being damaged. In addition, the ACEC process is to be used to protect human life and property from natural hazards.

3. *The ACEC Process Is Part of Multiple-Use Management.* The ACEC identification, designation and management process is an integral part of BLM's on-the-ground multiple-use planning and management processes. In using the ACEC process, BLM has a mandate to both:

(a) Provide special management attention that will protect the most important and critical environmental resources, and protect human life and property from natural hazards, and

(b) Do this without unnecessarily or unreasonably restricting users of these lands from uses that are compatible with that protection. As the Act states, the public lands shall be "managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands" (Sec. 102)(a)(12)).

4. *ACECs Are Not Necessarily Non-Development Areas.* As the Senate Committee Report on FLPMA (Senate Report 94–583) said, "Unlike wilderness areas * * * (ACECs) are not necessarily areas in which no development can occur. Quite often, limited development, when wisely planned and properly managed, can take place in these areas without unduly risking life or safety or permanent damage to historic, cultural or scenic values or natural systems or processes." Thus, a particular ACEC designation may provide for a range of multiple-use activities, including specified kinds and degrees of development and commodity-production activities, provided that the important and critical environmental resources within that area, or human property or lives, are not damaged or endangered. The type and degree of future uses that are considered consistent with the special management requirements within a particular ACEC will be described when that ACEC is designated.

5. *Each ACEC's Special Management Requirements Are Site-Specific.* The special management requirements for each ACEC will be designed individually to fit the resources or hazards within each particular geographic area involved. Since it is unlikely that the resources or hazards within any two ACECs will be identical, it is unlikely that all the specifics of the special management requirements of any ACECs will be identical. Each ACEC is, in effect, to be handcrafted area by area, and an individual special management prescription designed to (a) protect the particular important and critical environmental resources that have been identified within the area, or (b) to protect people and property from the particular hazards the area contains. Thus, the uses and activities which may take place within any particular ACEC will be those that are compatible with and supportive of the resources which that ACEC is being designated to protect, or those that are consistent with providing protection from a natural hazard.

6. *The ACEC Process Is Part of the Planning Process.* ACEC identification and designation will be done through BLM's on-the-ground planning process, in accord with BLM's procedures for preparing, approving, and revising Resource Management Plans. This planning process incorporates environmental analysis pursuant to the National Environmental Policy Act. An ACEC is designated through approval by a BLM District Manager of the ACEC element of a Resource Management Plan, or of an amendment to such a plan, for a Resource Area—BLM's basic geographic planning and management unit. This designation is made after review and concurrence by the BLM State Director. Where a proposed ACEC contains an environmental resource of national or international significance, concurrence by the BLM Director also may be required.

7. *Identification and Designation Are Separate Steps.* The identification step in the ACEC processs precedes and is separate from the designation step. The Act makes a distinction between (a) the identification of an important and critical environmental resource, and (b) the protection of that resource, or of life or safety, through designation of its location as an ACEC. As the Act says, ACEC identification "shall not, of itself, change or prevent change of the management or use of public lands" (Sec. 201(a)). Thus, there may be locations where an environmental resource has been identified as eligible for ACEC designation that, nevertheless, will not be designated an ACEC.

"Identification" of an environmental resource—i.e., a finding that criteria of relevance, importance, criticalness and protectability are met-makes the place where such a resource is located eligible for subsequent consideration for designation as an ACEC. Identification is a matter for professional evaluation, and will be made on the basis of the values or qualities of the resource itself, without consideration of alternative potential uses.

"Designation" of an area as an ACEC is a management decision that will be made after weighing the public interest to be served by potential alternative

uses for the resource or combination of resources involved, after consideration of all applicable factors, including factors specified in law and executive policy, policies of other governmental entities, and expressions of public concern.

The decision whether an important and critical environmental resource, in whole or in part, is to be protected through ACEC designation and consequent special management attention, protected through another means, or not protected, will be made with careful consideration and weighing of the public interest to be served by, and any adverse effects of, alternative potential uses, in accord with the principle of multiple-use management as defined in FLPMA, and all other relevant law and policy. The decision should provide for that use or combination of uses which best serves the public interest.

8. *An ACEC Designation Constitutes a Commitment.* Upon designation of an ACEC, its special management requirements will control BLM's management program for the area and no activity incompatible or inconsistent with those requirements shall be undertaken by BLM. In FLPMA the Congress mandated not only the identification and designation, but also the protection, of ACECs. The ACEC process is not a recognition program; rather, it is a process for (1) determining what special management certain important and critical environmental resources (or hazards) require, and then for (2) providing commitment that this management will continue to be provided on a priority basis in accord with Sec. 202(c)(3) of the Act.

An ACEC's special management requirements may include two kinds of measures: those which BLM has authority to adopt, carry out and enforce, and those for which BLM does not have all such authority. Insofar as an ACEC's special management requirements are within BLM's authority to adopt, carry out and enforce, an ACEC designation constitutes a commitment that those requirements will be strictly adhered to. Where an ACEC's special management requirements call for or recommend a measure beyond BLM's authority to adopt or implement, an ACEC designation constitutes a commitment that BLM will do everything within its authority and means to secure the adoption of the measure and its implementation. An example of such a measure could be a cooperative agreement with a State wildlife agency, or withdrawal of an area of the public lands from certain specified activities, such as mining activity under the General Mining Law of 1872. An ACEC designation is not a withdrawal; under FLPMA, withdrawal authority rest with the Secretary of the Interior and has not been delegated.

9. *ACEC Designation May Complement Other Forms of Management.* ACECs and other forms of management designations are not necessarily mutually exclusive. An ACEC may overlay another form of designation, in whole or in part, so as to complement or supplement the management provided through the other form—for example, a unit of the National System of Wild and Scenic Rivers, within the public lands. Further, an ACEC designated for one special management purpose conceivably could overlay in whole or in part another ACEC designated for a different purpose.

10. *Public-Interest Determinations Are Required for ACEC Designation and Revision.* Designation of ACECs and any revisions of designations are made on the basis of a determination as to which of the alternative possible uses for the environmental resource or resources involved will best serve the public interest. These decisions are made through adoption or amendment of a Resource Management Plan (RMP), in an open process that includes environmental analysis and opportunity for public review.

Once made, such a designation decision cannot be changed nor the special management requirements of a designation revised, except by a subsequent public-interest determination that is made through the same open process. It is possible that future circumstances may make it desirable to consider such a change or revision, For example, an ACEC's management requirements may be found over time to be insufficient to provide the necessary protection, or a new and unforeseen threat to an ACEC resource may emerge as a result of changing conditions. Further, it is conceivable that a right-of-way or development action may be proposed within an ACEC that would be inconsistent with that ACEC's special management requirements, and nevertheless be in the public interest.

No action that is inconsistent with the terms of an ACEC designation or would adversely impact an ACEC-protected resource may be permitted unless the District Manager determines that the public benefits of such an action outweigh the public benefits of continuing the ACEC protection, and that there is no feasible alternative to the proposed inconsistent action. In every case, the BLM State Director would have to concur in a designation or revision. In addition, where an environmental resource of national or international significance is involved, the BLM Director, also, would have to concur.

11. *Opportunity for Public Involvement Is Provided at Each Step.* Opportunity for public participation at each phase of the ACEC process will be provided by BLM officials, pursuant to all relevant law and executive policy, including provisions of FLPMA and the National Environment Policy Act, the Department of the Interior's policy on public participation in decisionmaking, and BLM's resource management planning regulations.

II. Definitions

Area of Critical Environmental Concern (ACEC): (See the Act's definition, in Summary, I.B.1., above.)

Critical. (See definition in Identification Criteria, III.B.3., below.)

Cultural Value (or Resource). Nonrenewable evidence of human endeavor, such as found in places, structures, objects, trails or other forms of evidence. Such a resource may include (1) physical remains or natural features important in or representative of human activity; (2) areas where important or representative human events occurred even though tangible remains may be absent, or (3) areas of socio-cultural concern, including those of traditional significant to native American Indians, Aleuts, Eskimos, or other groups. Cultural resources may relate to either prehistoric or historic times, and represent the continuum of events from the earliest evidences of humankind to the present day. (Illustrative example, III.D.2, below.)

Designation. The decision made by a BLM District Manager as part of a resource management planning process, through approval of a Resource Management Plan, or of an amendment to such a plan, that (1) describes the special management attention required within a particular ACEC, and that (2) adopts that ACEC's special managemen requirements as BLM's management program for that area.

Environmental Resource. One or mor of the kinds of resources eligible for special management through ACEC designation—i.e., a fish or wildlife resource, or other natural resource system or process, or a historic, cultural or scenic value or resource. As used here, the term, "environmental resource," refers collectively to one or

more than one of these kinds of resource, system, process, or value.

Fish and Wildlife Resource. One or more form or species including eggs or progeny, whether raised in captivity or not, that normally is found in a wild state, together with the elements of its habitat needed to normally and naturally complete its life cycle, from maintenance of a healthy life to perpetuation of its population through normal reproduction. (Illustrative example, III.D.4, below.)

Historic Value (or Resource). Non-renewable evidence of human activity or endeavor having importance in or influence on, or that is representative of, significant events or forces in the life or development of a people, state, region, or nation. Such evidence may be found in structures, objects, trails or other routes, or places, even though tangible evidence may no longer be present. Historic resources can include natural features of significance to, or representative of, human historic events. Historic resources relate to times since human history began to be recorded. (Illustrative example, III.D.1, below.)

Important. (See definition in Identification Criteria, II.B.2., below.)

Life and Safety. "Life" means the life of any human. "Safety" refers to the protection of human life or the protection of property, and means reasonable freedom from significant threat, risk or danger of serious injury, or of significant damage to or loss of property.

Multiple Use. See definition in Designation Considerations, IV.B.1.a(1), below.

Natural Hazard. A natural characteristic of land or water resources or areas that (1) constitutes conditions significantly dangerous, or potentially significantly dangerous, to human life, or property, or that (2) would be significantly dangerous to life or the safety of property if development or other activity were permitted. Such a hazard may be either existing or considered likely to occur in the future. (Illustrative example, III.D.6, below.)

Natural System or Process. Living or nonliving parts of the natural environment, considered either as a whole, or as individual elements or components of a natural resource system or process. The central features of such a system or process may, for example, be communities of living plants, and vital component of their habitat, or such non-living structures as geological formations, which exemplify a natural process or system. (Illustrative example, III.D.5, below.)

Priority. A preferential rating or ranking, or prior attention in terms of time and precedence, for allocation of services or resources in limited supply.

Protectable. (See definition in Identification Criteria, III.B.4., below.)

Public Lands. "Any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management * * * except—(a) lands located on the Outer Continental Shelf; and (b) lands held for the benefit of Indians, Aleuts, and Eskimos" (FLPMA, Sec. 103(e)).

Public Participation. "Public" means affected or interested individuals, including representatives of organizations and interest groups; and officials of local, State, Federal, and Indian tribal governments. "Participation" means systematic opportunity for members of the public to know about and express opinions on possible BLM actions and policies, and to know what their views are considered in shaping decisions and become part of the record of the decisionmaking process. "Public participation" also means "public involvement," as defined in FLPMA Sec. 103(d): Opportunity for participation by affected citizens in rulemaking, decisionmaking, and planning with respect to the public lands, including public meetings or hearings held near affected lands, or advisory mechanisms, or other procedures as may be necessary to provide public comment in a particular instance.

Relevant. (See definition in Identification Criteria, III-B.1, below.)

Resource Area. A geographic portion of a BLM District, and, in most instances, the administrative unit for which Resource Management Plans are prepared and maintained.

Resource Management Plan (RMP). The basic decision document of BLM's resource management planning process, used to establish allocation and coordination among uses for the various resources within a Resource Area. ACEC identification is done through this planning process, and ACEC designation is done through approval (adoption) of the ACEC element of such a plan. An RMP is a "land use plan" prescribed by Sec. 202 of the Act.

Scenic Value (or Resource). A scenic resource consists of land, water, vegetation, wildlife, structures, or other visually perceivable aspects of a landscape; vista, or viewshed—natural, created by human activity, or both. The value of a scenic resource includes its scenic quality, scarcity, and degree to which people have interest in, or concern about visual changes to it.

Secretary. The Secretary of the Interior.

Special Management Attention. Actions or other measures considered necessary or appropriate to protect or restore an environmental resource within an ACEC, or to protect human life or property from a natural hazard within an ACEC.

Withdrawal. The process by which an area of Federal land can be withheld or segregated from settlement, sale, location, or entry under some or all of the general land law, including the General Mining Law of 1872. The purpose of withdrawal is to limit activities that otherwise could be permitted under such laws in order to maintain particular public values in the area, or to reserve the area for particular public purposes or programs. (FLPMA includes a more detailed definition, Sec. 103(j), and description of the withdrawal process, Sec. 204.)

III. Identification Criteria

A. *A Professional Evaluation.* Four identification criteria derived from the Act will be applied in identifying an environmental resource or a natural hazard to determine whether the place where it is located is eligible for further consideration for designation as an ACEC. All four of the criteria—Relevance, Importance, Criticalness, and Protectability—must be met in every case. An identification determination is a professional evaluation based on the inherent or intrinsic qualities of a resource, or a combination of resources, in the light of expressed public concern, without consideration of alternative possible uses for the resource or resources.

Judgment in application of the identification criteria, and of the designation considerations noted below (IV), is the crux of the ACEC process. The general authorities and procedures available for managing the public lands should be used to take or recommend whatever action may be necessary to provide protection for most environmental resources and protection from most natural hazards.

B. *Applying the Criteria.*—1. *Relevance.* To meet the first criterion, an environmental resource must be "relevant." A resource can be found to be "relevant" if it is one of the kinds of resources, values, systems, processes, or hazards included in the Act's definition of an ACEC.

2. *Importance.* In addition, an environmental resource must be "important." An environmental resource

can be found to be "important" if it has qualities that give it (a) more-than-local significance, and (b) special worth, consequence, meaning, distinctiveness or cause for concern compared to like entities. A natural hazard can be "important" if it is a significant threat to human life or property.

Evidence of importance may be found, for example, in the judgment of persons especially qualified by knowledge, training, or experience to assess these qualities. Additional evidence of more-than-local significance may be found, for example, in expressions by more than one local government, a State government, or a substantial number of persons residing beyond the area within which the resource is located. Although the requirement of more-than-local significance is the general rule, there may be exceptional cases where evidence of a resource's importance must rely largely or exclusively on the judgment of a local government or local community—because there may be no like entities elsewhere with which that particular resource may be compared. A District Manager may determine that there is compelling reason to find a resource of only local concern "important" for ACEC purposes. With respect to natural hazards, reported hazards data from national systems for disaster preparedness, such as geologic hazards reported by the U.S. Geological Survey, or standards for water-related hazards as established by the U.S. Water Resources Council, may provide evidence of importance.

3. *Criticalness.* In addition, the resource must be "critical." An environmental resource may be found to be "critical" if the qualities that make it important are being subjected to decisive adverse change, such as through damage, diminution, or other loss, or are vulnerable to such change unless special management attention is applied. The cause of such change may be either human activity or natural causes. Such a resource may be fragile, sensitive, rare, irreplaceable, endangered, threatened, or otherwise susceptible to adverse change.

There are two distinct parts to a finding of criticalness and both must be met: (a) The resource must be vulnerable or susceptible to decisive adverse change and (b) special management attention of a protective nature must be found necessary in order to provide assurance that such change will not occur. In evaluating criticalness, trends within and adjacent to the area involved should be considered, as well as present condition and status of the resource or combination of resources involved. A natural hazard with a demonstrated, or responsibly assessed, risk to human life or property may be found to be critical.

4. *Protectability.* In addition, the environmental resource involved must be "protectable"—i.e., it must be capable of being protected. A resource can be found to be "protectable" if there is a likelihood or possibility that the qualities that make it important can, as a practical matter, be protected from decisive adverse change with the kind of special management attention that can feasibly be applied.

Protectability can be influenced by an area's size, location of its boundary, physiography, and committed uses nearby or otherwise affecting the area, as well as the survival and management requirements of a resource itself. The area, i.e., the potential ACEC, should be a manageable unit—of an adequate size and configuration to encompass not only its central features, but such surrounding or adjacent lands as may be appropriate to assure that the necessary special management attention can be provided in a secure setting.

When assessing protectability, attention should be given to all aspects of feasibility. For example, in the case of a sensitive resource in a remote undisturbed location where calling attention to its values and precise location could reasonably contribute to loss rather than protection, consideration should be given to whether ACEC designation is appropriate form of protection. The ACEC process is a means for applying special management to protect certain resources, rather than a recognition program. Thus, the paramount principle to be followed is that protection of the resource, including its ecological health and historic, cultural and scenic integrity, as well as of life and safety, shall have first consideration.

With respect to a natural hazard, the criteria of protectability may be met if the hazard is of such a nature and location that the risk to human life or property that it constitutes can, as a practicable matter, be reduced with special management attention that can feasibly be applied.

C. *Special Significance Information.* In applying the criteria specified above (III.B), information developed by international, Federal or State programs may be useful evidence of importance. For example, information about historic, cultural, or scenic values or "natural system or process" resources may be available through such programs as the National Heritage Program, administered by the Heritage Conservation and Recreation Service (HCRS); the National Register of Historic Places, and registers of natural and historic landmarks, also administered by HCRS; and the UNESCO Biosphere Reserves Program, coordinated in the U.S. through the Department of State. State government historic or natural heritage programs may also provide useful information for ACEC purposes. Data obtained by BLM through such State, national, or international programs should be given special consideration in the ACEC process.

D. *Illustrative Examples.* Illustrative examples of some of the characteristics or qualities of the kinds of environmental resources or hazards that conceivably could meet these criteria are noted below for illustrative purposes only:

1. *Historic Value or Resource:* Could include physical, non-renewable evidence of an historically significant or representative event or period in American history, in a location that is vulnerable to damage unless special management is brought to bear, and that is protectable.

2. *Cultural Value or Resource:* Could be an archeologically important area of prehistoric Indian habitation, that is vulnerable to loss or damage because of easy accessibility, and that is protectable provided special attention is provided.

3. *Scenic Value or Resource:* Could be an area that combines outstanding scenic quality, relative scarcity, and/or high visual sensitivity that require special attention if protection of these qualities is to be assured.

4. *Fish or Wildlife Resource:* Could include an important and critical habitat for a species that is endangered, threatened, sensitive, or of special importance; an important and critical area of historic range suitable for reintroduction of such a species, or an area necessary for reproduction, rearing, or seasonal use in order to maintain a viable population level of such a species mammal, bird, fish, mollusk, crustacean, amphibian, reptile, or invertebrate.

5. *Natural System or Process:* Could be an important living natural resource system or process that is being subjected to decisive adverse change or alteration, or that without special management attention is susceptible to decisive change in its natural functioning. Also could include a key component essential to the life cycle or survival of such a living natural system or process, or an important occurrence of a rare relict resource, or a nonliving geological feature, paleontological

phenomena or land form that exemplifies a natural system or process, and is vulnerable to damage. Some "natural system" or "natural process" resources may have importance for ACEC identification if they are especially well suited for the following purposes:

a. *Research or Education:* Natural areas with high value for expanding scientific knowledge or for education, particularly those with existing base-line data or special instrumentation or plans for research, and where special management is needed to assure continuity and integrity in long-term research programs. (The Senate Report on FLPMA noted that the Act's ACEC provisions respond, in part, to three recommendations of the Public Land Law Review Commission: Creation and preservation of a natural area system on the public lands for scientific and educational purposes; identification and protection of areas of national significance on the public lands, and classification of lands for environmental quality enhancement and maintenance.)

State natural heritage agencies, the Federal Committee on Ecological Reserves, and some universities and other research and education organizations have programs to protect scientifically significant examples of the diversity of natural ecosystem types; sites illustrating genetic, biotic or geological diversity, or outstanding examples of major types of natural systems or natural processes. If an area is proposed for ACEC designation that is considered an appropriate addition to such a recognized program, evidence of qualification for the program should be included in the documentation. Where an official or generally recognized classification system exists for the type of environmental resource involved, how the resource fits the classification system should be described.

b. *Study of Resource Management Problems:* Areas for study of problems encounteered in management of natural resource systems or processes within the public lands. Such a locale may exemplify such problems, and be used to test various approaches to solving them, by providing special management attention that may include rehabilitating or restoring the resources of the area. Such a locale may be the location of a research or experimental management project, such as one to improve productivity of livestock forage or forest systems, or to demonstrate how mineral or oil and gas development, or other commodity production activity, can take place within an area without exceeding an area's carrying capacity or otherwise damaging an area's natural systems or processes.

6. *Natural Hazard:* Kinds of hazards that conceivably could be an appropriate focus for ACEC designation include significant avalanche areas, areas subject to periodic dangerous flooding, areas with unstable soil mantles such as steep slopes vulnerable to landslides, seismic zones, dangerous cliffs or other unsafe areas, particularly where human visitation is likely. Some types of hazards, such as abandoned mine shafts, are not appropriate for ACEC identification because they are manmade rather than natural. A hazard caused initially, or triggered by human action, may be considered "natural" for ACEC purposes if it subsequently has become part of a natural process and significantly endangers human life, health or property.

IV. Designation Considerations

After one or more environmental resource has been found to meet all of the identification criteria (III, above), the decision whether to designate its location as an ACEC will be made.

A. *A Management Decision.* BLM officials have discretion to decide whether or not to protect an environmental resource, or to provide protection from a natural hazard, through ACEC designation and the resultant special management attention. This decision process involves weighing the relative public interest in any benefits and adverse effects that would result from ACEC designation, and in any benefits and adverse effects that would result from non-designation. The designation decision shall be based on consideration of all applicable factors, including those outlined below.

B. *Designation Factors.*—1. *Relevant Law.* Some of these factors are set forth in law, including:

a. *Factors Specified in FLPMA*—(1) *Principle of Multiple Use.* A basic policy established in FLPMA is that the public lands shall be managed by observing the principle of multiple use unless otherwise specified by law (Secs. 102(a)(7), 202(c)(1), and 302(a)). Thus, the multiple-use principle is to be used in making ACEC designation decisions. "Multiple use" is defined in the Act (Sec. 103(c)) to include (i) The management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; (ii) Making the most judicious use of the land for some or all or these resources or related services, and the use of some land for less than all of the resources; (iii) A combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife, and fish, and natural scenic, scientific and historical values, and (iv) Harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment, with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

To the extent that any otherwise appropriate use may take place within an ACEC without damaging or endangering an environmental resource that is the reason for ACEC designation, or without endangering life or property, such a use will be permitted.

(2) *Other Factors in FLPMA.* Among the key factors is the mandate of the Act that BLM "shall * * * give priority to the designation and protection of areas of critical environmental concern" (Sec. 202(c)(3)). Other factors set forth in FLPMA include consideration of both "present and potential uses of the public lands"; consideration of "the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values"; weighing of "long-term benefits to the public against short-term benefits," and providing "for compliance with applicable pollution control laws, including State and Federal standards or implementation plans" (Sec. 202(c)).

b. *Factors in Other Law.* Other laws which may be applicable to a designation decision, depending upon the circumstances of the area involved, range from the General Mining Law of 1872, which encourages prospecting and mining on the public lands, to the Public Rangelands Improvement Act of 1978, which authorizes an accelerated program to improve rangeland quality for grazing, wildlife, and soil and moisture conservation. The National Environmental Policy Act of 1969 (NEPA) provides both substantive policy (Sec. 101) applicable to public lands management decisions, and procedural direction (Sec. 102) requiring consideration of environmental analysis of alternatives prior to decisions on certain Federal actions, including ACEC designation decisions as part of BLM Resource Management Plan decisions. Other law applicable to a particular ACEC decision may include such

statutes as the Antiquities Act, Taylor Grazing Act, Federal Water Pollution Control Act, Clean Water Act, National Historic Preservation Act, Clean Air Act, Mining and Minerals Policy Act, Endangered Species Act, Sikes Act (concerning wildlife conservation), and Surface Mining Control and Reclamation Act.

2. *Statements of Executive Policy.* Executive direction and guidance is expressed in Presidential executive orders, Secretarial policy statements and orders, and BLM directives. Relevant executive orders may include, for example, E.O. 11593 (1971), concerning protection and enhancement of cultural and historic resources on Federal land; E.O. 11644 (1972) as amended by E.O. 11989 (1977), concerning control of off-road vehicles on public lands; E.O. 11988 (1977), concerning control of off-road vehicles on public lands; E.O. 11988 (1977), concerning flood plain management, and E.O. 11990 (1977), concerning wetlands protection. Policy guidance from the Secretary, BLM Director and State Directors will be provided for District Managers and others preparing Resource Management Plans (see §1601.1(b) and (c) of BLM's proposed planning regulations).

3. *Policies of Other Governmental Entities.* ACEC designation decisions will take into account officially adopted resource-related policies, plans, and programs of State and local governments, Indian tribal governments and other Federal agencies, in accord with Sec. 202(c)(9) of the Act and §.1601.4 of BLM's proposed planning regulations, as well as uses of nearby private lands.

4. *Expressions of Public Concern.* The views of members of the public, including residents of nearby communities, landholders, and users of the public lands, also will be key considerations in making designation decisions.

V. Process

The process to be used in making ACEC identification, designation, and management decisions is BLM's planning process for preparing and approving Resource Management Plans (RMPs). (The proposed BLM planning regulations, at § 1601.5, provide details of this planning process.) Identification and designation of ACECs will be given priority in inventory of all public lands and their resource and other values, and designation of ACECs will be given priority in development and revision of RMPs (FLPMA, Secs. 201(a) and 202(c)(3)).

A. *Identification Phase.* Criteria for making identification findings are discussed in Identification Criteria, III, above.

1. *Inventory and Information Collection.* District managers will give priority to the identification of environmental resource and natural hazards, to determine whether they meet ACEC criteria, in conducting resource inventories, developing planning criteria, analyzing inventory or assessment data, and in the "scoping" step of the planning process. Scoping is an early, open and public determination of the scope of issues to be addressed, and identification of the most significant issues (as described at § 1601.5–1, proposed planning regulations, and 40 CFR 1501–7, NEPA regulations). Members of the public, including representatives of State and local government, may suggest that an environmental resource or natural hazard be considered for ACEC identification purposes.

Any such suggestions are most useful during the inventory and scoping steps of the planning process, and should be accompanied by maps and description, together with available evidence as to relevance, importance, criticalness and protectability. Such resources or hazards may be identified for ACEC purposes at other times, as well, such as in the course of BLM field activities, including on-the-ground project planning work. Information from other relevant activities, such as State or Federal natural heritage, cultural, historic, or scientific research and education programs, including both inventory and evaluation data, should be considered.

2. *Analysis and Evaluation.* Resources and hazards proposed for ACEC identification will be analyzed and evaluated by members of the District Office resources staff, as directed by the District Manager, as to relevance, importance, criticalness and protectability, taking into account both present use and condition, and trends. The evaluation will be a professional judgment based on the qualities of the resources or hazards themselves, in the context of public concern, without consideration of alternative uses of the resources. If the recommendation for identification, and thus for eligibility for further consideration for ACEC designation, is positive, technically feasible protection objectives and recommended special management requirements, together with supporting reasons and documentation, will be prepared.

3. *Review of the Situation.* The identification recommendation will be reviewed by other District Office professional staff, as directed by the District Manager on a systematic, interdisciplinary and multiple-resource basis to ensure that the environmental resources and hazards being evaluated meet the identification criteria, and to analyze the management situation, including other resources that may be in the same general geographic area. Interdisciplinary aspects of this review will be in accord with BLM's planning regulations and NEPA Sec. 102[A], and Sec. 1502.6 of the CEQ regulations for implementing NEPA, so as to ensure integrated application of the natural sciences, social sciences, and environmental design arts. Where preparers or reviewers on the District Office staff do not represent all of the appropriate disciplines, assistance should be obtained from the State Office staff.

This analysis will include whether the proposed ACEC boundary encompasses an appropriate unit, of adequate size and configuration to permit effective protection. Where more than one environmental resource or natural hazard is located in the same general location, consideration should be given to consolidating their review as one potential ACEC.

While each environmental resource or natural hazard involved should be evaluated for ACEC identification purposes on an individual basis, the whole potential ACEC area should be included in the review, on an integrated and multiple-resource basis. Field tests of ACEC identification procedures have shown that ACEC candidate areas tend to include a combination of environmental resources relevant to the ACEC process, rather than only a single such resource. In some situations the combination of environmental resources that are present, and their interrelationships, may add to the importance of a proposed ACEC area as a whole.

Where public lands administered by BLM are intermingled with lands administered by other Federal agencies or with non-Federal lands, such as inholdings of private or State lands, ACEC designation decisions will, as elsewhere, be coordinated with land planning and management activities of other governmental entities and landholders who would be affected. In any such situations, the boundary of an ACEC may encompass non-BLM inholdings or other such lands or interests. While any such inclusion shall not of itself change or prevent change of management or use of any lands or interest in lands not administered by

BLM, cooperative agreements with other governmental entities or landholders may be sought in order to secure mutual objectives consistent with the purposes of the ACEC designation.

The District Manager will make the finding whether an environmental resource or natural hazard meets the identification criteria. (This decision will be made as part of the "evaluation" and "management situation analysis" steps of the RMP planning process; Sec. 1601.5, proposed planning regulations.)

B. *Designation Phase.*—1. *Consideration of Alternatives.* If the District Manager finds that an environmental resource meets the identification criteria, alternative potential uses for the resource will be considered and evaluated. Alternatives may include differing special management requirements; differing configurations of possible ACEC boundaries, and no ACEC designation—i.e., management under standard BLM procedures. Effects of alternatives will be considered and a preferred alternative selected.

2. *Preparation for Designation Decision.* Following opportunity for public comment on the alternatives, the District Manager will review the record of public response, consider the other relevant factors, and propose a decision that will allocate the environmental resources involved to the use or combination of uses that best serves the public interest (in accord with Designation Considerations, IV, above). If the proposed decision is to designate an ACEC, a proposed ACEC element of a proposed RMP or RMP amendment will be prepared. When more than one ACEC proposal is included within an ACEC element, each proposal will be the subject of an individual part of the element. The District Manager will advise the State Director of his proposed decision. The State Director must concur with a District Manager's proposed decision before a decision may be made by the District Manager (in accord with concurrence procedures, § 1601.5-8, proposed planning regulations).

3. *Designation.* After concurrence by the State Director, the District Manager will make the decision. If the decision is to designate, the designation shall be made through approval (i.e., adoption) of the RMP or amendment in which the ACEC plan element is included.

a. *ACEC Plan Element.* An ACEC element of a plan will include or reference for each ACEC involved:

(1) *Name:* A proposed name for each ACEC, for public identification purposes. The name should indicate both geographic location and a central feature or purpose of the ACEC, e.g., Clearwater Creek Watershed Research Area, Rainbow Desert Tortoise Preserve, or Dead Man Cliffs Hazardous Area.

(2) *Purposes and Objectives:* A statement of the purposes of the ACEC process and ACEC element of the plan, and management objectives for the particular ACEC.

(3) *Description:* A description of the environmental resources or hazards involved, including description of their interrelationships, together with assessment and evaluation of their relevance, importance, criticalness, and protectability and other pertinent characteristics of the area and its setting.

(4) *Special Management Requirements:* A statement of the special management requirements for the ACEC. These requirements will be adopted, or described, with as much specificity as is feasible at the time of designation, and will include:

(a) A description of the special management attention to be applied, giving priority to prevention of irreparable damage. Special management measures will be designed to provide effective protection against decisive adverse change to the qualities that make the environmental resource or resources important, or to provide protection from hazards. Interrelationships among multiple resources should be taken into account in prescribing special management requirements for the ACEC as a whole. This will include, or include description of, any necessary rules, regulations, and plans for protection, in accord with Sec. 102(a) of the Act. These measures should be described in sufficient detail to effectively inform BLM personnel, other governmental entities, and the public of the basic terms and conditions of future management and use of the area.

A distinction should be made between those measures that can be adopted and carried out by BLM and those that are a basis for request or recommendation to others for action. This second category—for example, proposals for withdrawals, legislation, or cooperative agreements with other government agencies, landholders, or private organizations—depend in whole or in part on actions of others. In intermingled land ownership situations, where an ACEC includes land not administered by BLM, any necessary cooperative agreements, contracts or other arrangements with such land managers, landholders, or governmental entities, pursuant to Sec. 307 of the Act, will be included or described, and any such measures may be requested or completed prior to the time of designation.

(b) Any necessary standards or criteria for protection of the environmental resources involved or for protection of life or property—or a description of such standards or criteria. Where feasible, types of future uses, activities or management practices that are considered compatible with the purposes of the designation, and those considered incompatible, should be described, together with a description of any existing incompatible uses, activities or practices within the area and a schedule for conformance.

(c) A description of any supporting or followup activity plans to be prepared, and any other future actions—such as for research, education or visitor-use, enhancement, rehabilitation or restoration, monitoring, supervision or evaluation—considered necessary to serve the purposes of the designation, together with an implementation schedule. Where necessary in order to provide the required special management, and when it is otherwise in the public interest to do so, lands or interests in lands may be recommended for acquisition by purchase, exchange, or donation pursuant to Secs. 205, 206 and 318(d) of FLPMA or other applicable law.

(d) Maps and other supporting documentation or references. (Where providing precise location of a fragile resource could reasonably contribute to its damage, rather than protection, only general location need be shown on maps or described.)

The purpose of the statement of special management requirements is to assure that the necessary protective management will be both prescribed and applied. It is recognized that the degree to which it is feasible for an area's management requirements to be fully specified, completed, adopted or implemented at the time of designation may vary from one ACEC to another—depending on such factors as the level of current knowledge and understanding of an area's resources, degree of criticalness and need to designate without delay, and complexity of the management situation. Thus, some of the provisions of the above list may be fulfilled at the time of designation by a description of the requirement, together with a schedule for completion, adoption or implementation. In a case where additional material, including greater specificity, is to be provided through subsequent activity plans or other subsequent work, this should

subsequently be incorporated into the ACEC element of the plan by amendment.

(5) *Summaries.* The ACEC element will include or reference a summary of the element, of no more than five pages, together with a summary, of no more than five pages, of public participation and a record of public response.

b. *Special Provisions for Resources of More-than-State Significance.* When a State Director considers that an environmental resource within an area being proposed for ACEC designation may be of national or international significance, he will so advise the BLM Director and provide rationale. If the BLM Director finds that such a resource is of national or international significance, the BLM Director may, after reviewing the proposed ACEC element, concur in the proposed designation decision. Subsequently, in the event revision of that ACEC element is proposed, or an action inconsistent with that ACEC's special management requirements is proposed that would adversely impact a protected environmental resource within that ACEC, no such revision or action shall be undertaken or permitted by BLM except by concurrence of all officials who concurred in the designation.

c. *Public Notice.* Notice of each ACEC designation will be published in the Federal Register by the State Director, and a public announcement provided to other media.

d. *Decision Not to Designate.* If the decision is not to protect an identified environmental resource through ACEC designation, that decision will be documented through the planning process and a public announcement made. If the decision is to provide the necessary protection through another form of special management, the documentation will include specifics of that other form. If the decision is to allocate such an identified resource, in whole or in part, to use which would result in damage or loss to such resource, the District Manager must first find that there is an overriding public need for such use; that the public benefits of such use outweigh the public benefits of use appropriate with ACEC designation, and that such use will best meet the present and future needs of the American people (FLPMA, Sec. 103(c)). In addition, any allocations to such use will include all feasible planning and management to prevent, minimize, mitigate or restore any consequent damage to the resource, and these requirements will be specified in the documentation. Partial allocation of such a resource to a non-protective use or to another form of protection does not necessarily prevent ACEC designation.

C. *Management Phase.*—1. *Management Responsibilities.* Upon designation of an area as an ACEC, the area's special management requirements are in effect, as specified in the ACEC element of the plan, and all subsequent activities within the area shall be in accord with those requirements.

In the event the District Manager considers an activity should be undertaken, or permitted to be undertaken, because he considers it would be in the public interest despite its inconsistency with an ACEC's special management requirements, he may propose that the ACEC element of the relevant Resource Management Plan be amended to permit such activity. In any such case the provisions of V.F. (Revision of a Designation) of these guidelines and § 1601.6–3 (Changing the Resource Management Plan) of the BLM planning regulations, shall be followed.

All BLM planning and management acitivity concerned with lands outside of but affecting an ACEC shall be, insofar as feasible, supportive of and consistent with the objectives of the ACEC designation. Any threat to the integrity of an ACEC-protected resource—whether originating within or outside of an ACEC's boundary, or whether undertaken or proposed by a governmental agency or a private entity—shall be objected to by the District Manager and appropriate preventive action taken promptly. Where the District Manager lacks authority to deal appropriately with any such threat, the District Manager shall advise the State Director.

2. *Reporting Responsibilities.* On internal documents for accountability purposes each ACEC should be identified as a generic ACEC by name, e.g., Santa Maria Mountains Bighorn Area (ACEC), Colorado, District name, Resource Area name and number. Information on the status of ACEC identification, designation, management and use, and on management problems encountered and suggestions for improvement of the ACEC process, will be reported by District and State Offices to the Director (303), as one basis for preparing the annual report to Congress on implementation of FLPMA, required by Sec. 311 of the Act.

D. *Interim Management.* When a District Manager considers that an environmental resource within a Resource Area has qualities that indicate that it should be considered for identification for ACEC purposes, or when a resource has been found by a District Manager to meet the ACEC identification criteria, the District Manager will assure that those qualities that make, or could make, an environmental resource important for ACEC purposes are not damaged or otherwise subjected to adverse change pending an ACEC designation decision.

Until such a decision is made, the public lands involved will continue to be administered under the principles of multiple use management as provided by the Act, and during this interim period the District Manager will take all feasible action to ensure that such qualities are not damaged pending the designation decision. Where a potential ACEC has been identified and interim management measures available to the District Manager are not adequate to fully protect its resources, the District Manager will promptly advise the state Director, who will take appropriate action. The primary consideration will be to protect the integrity of each such resource until a designation decision is made. The following procedure will be followed:

(1) Where appropriate special management attention is already being provided in accord with an existing plan, thereby requiring no change in management, ACEC designation should be made through amendment to the existing plan, as funding and personnel are made available, so as to add an ACEC element with appropriate special management requirements and provide the protection of Sec. 102(c)(3) of the Act, without awaiting revision of the plan in its entirety;

(2) Where a change in management would be required to assure appropriate special management attention, the District Manager will consider the significance of the indicated changes, and determine (a) whether the indicated change can be made in a timely manner according to the regular planning schedule; (b) whether the plan should be amended without awaiting the regularly scheduled time for plan completion or revision, or (c) whether interim special management would provide appropriate protection until a plan or amendment can be approved, and act accordingly.

(3) Where no approved plan exists, and the District Manager considers that prompt ACEC designation is appropriate without waiting for approval of the other elements of a plan, the District Manager will prepare and propose approval of an ACEC element including such designation, in accord with the policies and procedures in these guidelines, including environmental analysis and opportunity for public participation, in advance of preparation or approval of the remainder of the plan.

(4) During the period of transition to the Bureau's revised planning process, where an approved land use plan—such as a Management Framework Plan (MFP)—exists, until such time as a Resource Area is placed under an approved RMP, the area will continue to be managed under the existing land use plan. During the transition period until approval of an RMP, an existing MFP may be amended to include an ACEC element in accord with these guidelines (and Sec. 1601.8 of the proposed planning regulations).

E. *Programming.* Needs for identification of environmental resources or hazards for ACEC purposes, and for designation and special management of ACECs, will be given priority consideration in the scheduling, development and revision of all RMP's (or MFPs during transition), and of pertinent activity, program and work plans—pursuant to Secs. 102(a)(11), 201(a), and 202(c)(3) of the Act. Whenever inventory, analysis, planning or management actions are scheduled for the public lands, funding and personnel requirements for anticipated ACEC identification, designation, and special management will be incorporated into the appropriate budget requests for resource inventories, RMP (or MFP during transition), and in subsequent activity plans and program plans, as developed through the budget process, and, depending upon the availability of funds and personnel, will be included in annual work plans.

F. *Revision of a Designation.* No revision may be made in the terms of an ACEC designation, including its special management requirements, except by RMP amendment through the planning process, incorporating environmental analysis. For any such proposed revision, at a minimum, an environmental assessment record (EAR) will be prepared. The decision whether an environmental impact statement (EIS) is required will be based on findings of the EAR, in accord with BLM's planning regulations and NEPA environmental analysis regulations. If such a proposed revision would result in damage to an ACEC-protected environmental resource to the extent that it would be a major Federal action significantly affecting the human environment, an EIS will be prepared and filed for public review.

No use or action that would be inconsistent with an ACEC's special management requirements and that would adversely impact an ACEC-protected resource shall be permitted unless the District Manager, after considering all pertinent factors in accord with the principle of multiple use, including the results of environmental analysis and of public review, makes the following determinations: (1) The public benefits of the proposed incompatible action clearly outweigh the public benefits of continuing protection of the ACEC-protected resource; (2) There is a clear public need for the proposed action and such action is clearly in the public interest; (3) There is no feasible alternative to, or alternative location for, the proposed action, and (4) Such action includes all feasible planning and management requirements to prevent, minimize, mitigate or restore the effects of adverse impacts.

In any such case, concurrency by the BLM State Director would be a prerequisite for adoption of such an amendment. Where an environmental resource that has been found by the BLM director to be of national or international significance is involved, the BLM Director, also, would have to concur.

G. *Public Involvement.* Opportunity for public involvement will be provided at each step of the ACEC process, and public participation invited and facilitated, by BLM officials, in accord with applicable law and executive policy.

1. *Public Participation Guidance:* Applicable law and executive policy include the following: FLPMA, which mandates provision of opportunity for public involvement in "rulemaking, dicisionmaking, and planning," generally, including "public meetings or hearings held at locations near the affected lands" (Sec. 103(d)), and in public lands planning specifically (Sec. 202(a)); provision of "adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to management of the public lands" (Sec. 202(f)), and "opportunity to comment upon the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for, and the management of the public lands" (Sec. 309(e)); BLM's planning regulations (including § 1601.3 and 4); NEPA, as specified in implementation regulations, including those of the Council on Environmental Quality, Nov. 29, 1978, Federal Register (43 FR 55978–56007), and Department of the Interior policy guidelines, including "Public Participation in Decisionmaking," approved by the Secretary July 26, 1978 (301 Department Manual 2) Aug. 11, 1978, Federal Register (43 FR 35754–35757).

Such opportunity includes, at a minimum, public notice by District Managers when an ACEC identification or designation process begins, and announcement of public meetings, workshops or other informational activity to explain the schedule and procedures, possible application of the ACEC process to particular local situations, and how interested persons and organizations may effectively participate.

2. *Administrative Review.* Protests relating to the proposed approval of an RMP or RMP amendment concerning ACEC designation, related management practice or other aspects of the ACEC process may be filed with the State Director for administrative review by BLM. Procedures and requirements for such administrative review, including protest filing procedures and qualifications, are covered in § 1601.0–1 of BLM's planning regulations.

VI. Responsibilities

A. *District Managers.* Basic responsibility for making ACEC decisions has been delegated to District Managers. As part of District Managers' responsibility to prepare and approve an RMP for each Resource Area in their Districts, each District Manager will, with assistance of Area Managers, identify environmental resources that meet ACEC identification criteria, prepare proposed ACEC elements of such plans as warranted, and designate any ACECs after obtaining the appropriate concurrence. Subsequently, the District Manager will make any necessary revisions to ACEC plan elements through the plan amendment process. District Managers' continuing responsibilities include management of each designated ACEC in accord with its special management requirements. District Managers will provide for and facilitate public participation in the ACEC process.

B. *State Directors.* State Directors will provide quality control for the ACEC process in their States and technical assistance and policy guidance to District Managers; review proposed ACEC designation decisions, and concur before such decision are made by District Managers. Where a proposed ACEC contains a resource which State Directors consider may be of national or international significance, they will so adivise the Director. State Directors will file draft and final environmental statements associated with ACECs (in accord with § 1601.0–4(b) of the proposed planning regulations), and will assure that public participation in the

ACEC process is provided for and facilitated.

C. *Director and Secretary.* National-level policy direction and guidance for the ACEC process are provide by the Director; Assistant Secretary, and Land and Water Resources; and the Secretary. When State Directors advise the Director that they consider a resouce within a proposed ACEC may be of national or international significance, the Director may, after reviewing the proposed designation decision, make such a finding and may concur in the proposed dicision.

D. *Coordination.* All BLM personnel with responsibilities for programs involving inventory, planning and management of public-lands resources will integrate the ACEC process into these programs. Each State Director and District Manager will designate a member of their respective resources staffs as ACEC Coordinator. In the Washington Office, ACEC coordination functions and responsibility for development of procedures for, and oversight of, identification, designation and management of ACECs, are assigned to the Chief, Division of Wilderness and Environmental Areas, through the Deputy Director for Land and Resources, and the Assistant Director Recreation and Environmental Areas. In the Washington Office, development of procedures for an oversight of the resource management planning process—including inventory coordination, environmental quality standards and procedures and NEPA compliance, and coordination with state and local government planning—are assigned to the Chief, Office of Planning, Inventory and Environmental Coordination, through the Deputy Director for Lands and Resources.

VII. Relationships

A. *ACEC Designations May Supplement Other Forms.* ACECs and other forms of special management designations are not necessarily mutually exclusive, and ACEC designations may be used to supplement or complement the other forms. Form example, an ACEC could be designated within, or adjacent to, a unit of the National Wild and Scenic Rivers System established by Congress and administered by BLM within the public lands, or within a Natural Area administratively designated by the Secretary or BLM Director. For instance, an ACEC designation could specify special management attention for a sensitive cultural resource site with important archeological significance within a Scenic River unit; similar special management for portions of the river corridor beyond the Scenic River boundaries, or special management to protect the public from a natural hazard within the Scenic River unit.

B. *Other Forms of Designation.* When the Congress enacted FLPMA and mandated use of the ACEC process, pre-existing authority to designate areas of public lands for special management for particular public purposes was not repealed.

1. *Legislative and Administrative Designations.* Thus, an ACEC designation may overlay, in whole or in part, both site-specific legislative designations, such as units of the National Wild and Scenic Rivers System and National System of Trails, and National Conservation Areas on the public lands, and such administrative designations as critical habitat of endangered species of wildlife, on the public lands, under authority of the Endangered Species Act.

The Secretary, and the BLM Director by delegation, have for many years designated special administrative areas for limited uses under their general authority to protect public health and safety, the natural environment, areas having cultural or historical value, and scientific study areas and scientifc values, and to prevent excessive soil erosion and destruction of plant life and wildlife habitat. For such purposes, BLM has in some cases included protective stipulations in use permits and leases, and the Secretary or Director have recognized the special values or needs of such areas by designating such special areas as Resource Conservation Areas, Natural Resources Experiment and Research Areas, Primitive Areas, Scenic Corridor—Buffer Zones, Research Natural Areas, or Outstanding Natural Areas. (Regulations for such designations appear in 43 CFR Parts 2070, 6220 and 6290). In addition, the Secretary has authority to designate, for the limited purpose of recognition, National Historic Landmarks and National Natural Landmarks. Since such designations do not, of themselves, necessarily provide for special management attention nor constitute a special managment commitment, an ACEC designation may overlay any such designation, in whole or in part, in order to complement or supplement its managment as noted in VII.C, below.

2. *Withdrawals.* A number of withdrawals have, in effect, designated areas of the pulic lands for specified public purposes by public land order issued by the Secretary. Some withdrawn lands are associated with some of the special administrative areas noted in VII.B.1, immediately above. An ACEC designation does not constitute a withdrawal. That is, designation of an area as an ACEC does not by itself preclude from the area any activities which may be allowed under the public land laws, including the General Mining Law of 1872. A withdrawal may be requested of the Secretary in association with an ACEC if withdrawal is necessary in order to provide for the special management requirements of that particular ACEC.

C. *Effect of ACEC Designation.* In FLPMA the Congress mandated not only the identification and designation, but also the protection, of ACECs. Some of the special administrative area designation or recognition processes used prior to enactment of the Act (such as noted in VII.B.1, above, and provided for in 43 CFR Parts 2070, 6220, and 6290) do not, in themselves, assure a continuing priority to specified special management as does ACEC designation. The ACEC process is not a recognition program; rather, it is a process for (1) determining what special management certain important and critical environmental resources (or hazards) require, and then for (2) providing commitment that this management will continue to be provided on a priority basis in accord with Sec. 202(c)(3) of the Act.

D. *Two Special Relationships.* In part because they are beginning to be implemented at approximately the same time as the ACEC process, two other processes affecting the public lands may have special relationships with the ACEC process.

1. *Coal Program.* The Surface Mining Control and Reclamation Act of 1977 (SMCRA) requires the Secretary to (1) establish a program to govern surface coal mining operations on Federal lands; (2) conduct a review to determine if certain classes of Federal lands should be designated unsuitable for leasing for surface coal mining operations, and (3) establish a process by which the public may petition to have Federal lands designated unsuitable for surface coal mining operations or to terminate such designations. When unsuitable lands are identified, the Secretary is required to prohibit, or to impose conditions or limitations for, mining operations on those lands (SMCRA, Secs. 522(b) and 523; 30 U.S.C. 1272, 1273).

The Department of the Interior is considering proposed criteria for determining lands unsuitable for all or certain types of mining; these proposed criteria include mandatory and discretionary standards from SMCRA and other Federal laws. These proposed

criteria, to be applied to lands that are administered by BLM through BLM's resource management planning process, were published in the Federal Register, Dec. 8, 1978 (43 FR 57662–57670). They subsequently were modified and incorporated in proposed rules for the Federal coal management program published in the Federal Register, March 19, 1979 (44 FR 16800–16845). These criteria are presently being field-tested on more than 500,000 acres of Federal coal lands in the West.

Following review of comments on the proposed rules, and of the field-test results, and after the Department completes its coal programmatic EIS on the Federal coal management program, the proposed criteria may be revised. If the Secretary chooses to adopt a Federal coal management program which retains the unsuitability criteria concept, final unsuitability criteria will be included in final coal management regulations under 43 CFR Group 3400—Coal Leasing. (Copies of the proposed criteria may be requested from Office of Coal Management, BLM (140) and BLM State offices.) There are 24 criteria, together with exceptions, some of which concern some of the same kinds of environmental resources that are relevant to the ACEC process. Where the presence of these kinds of resources have caused an area to be found unsuitable for all or certain types of coal mining, eligibility for ACEC consideration and desirability of providing for special management attention through ACEC designation also should be considered.

2. *Wilderness Review.* FLPMA directs the Secretary and BLM to (a) review all public-lands roadless areas of 5,000 acres or more, and roadless islands having wilderness characteristics; (b) determine their suitability or nonsuitability for wilderness designation and (3) report these suitability recommendations to the President no later than Oct. 21, 1991 (Sec. 603). The President must report his recommendations to Congress within 2 years after receiving the Secretary's recommendations, and Congress will determine which areas it will designate for protection as units of the National Wilderness Preservation System. The Act also directs the Secretary to report to the President by July 1, 1980, recommendations on wilderness suitability of 55 special administrative areas on the public lands which BLM or the Secretary had designated prior to November 1975 as Primitive Areas or Natural Areas.

FLPMA directs BLM, in conducting the wilderness review program, to use the wilderness characteristics described in the Wilderness Act of 1964: (1) The imprint of man's work must be substantially unnoticeable; (2) the area has outstanding opportunities for either solitude, or a primitive and unconfined type of recreation; (3) the area has a roadless area of at least 5,000 acres, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition. An island of any size may be eligible. A wilderness area may contain "ecological, geological, or other features of scientific, educational, scenic, or historical value."

In the past, some people may have suggested wilderness preservation for an area when what they were most interested in was not primarily wilderness values so much as protection of scenic, wildlife, or other natural values. In the inventory phase of the wilderness review process, BLM will determine whether wilderness characteristics are present in an area. If an area is determined to lack wilderness characteristics, it will receive no further consideration under the wilderness review program, and any potential for ACEC designation will be considered. If an area has been determined to have wilderness characteristics, it will be referred to as a Wilderness Study Area (WSA) and enter the study phase of the wilderness review process. The study will be conducted through BLM's resource management planning process, which requires analysis of all resource values, uses and potential uses of the land under consideration. The study phase will be used to consider potential for ACEC designation, as well as whether a WSA is suitable or not suitable for wilderness preservation. (BLM's wilderness review process is described in *Wilderness Inventory Handbook,* Sept. 27, 1978, and *Draft Interim Management Policy and Guidelines for Wilderness Study Areas,* Jan. 12, 1979. Copies may be requested from Wilderness and Environmental Areas Staff, BLM (303) and BLM State offices.)

E. *Integration with Other Management Actions.* The identification, designation and management phases of the ACEC process will be incorporated into all BLM resource planning and management programs and activities on a priority basis, pursuant to FLPMA and other relevant law and executive direction. The ACEC process will be administered so as not to be duplicative, but rather to complement, supplement and strengthen the use of all relevant forms of management of the resources of the public lands in the public interest.

Attachment B.—State Offices of the Bureau of Land Management

Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, Phone: (907) 271–5076.

Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073, Phone: (602) 261–3873.

California State Office, Federal Office Bldg., Rm. E–2841, 2800 Cottage Way, Sacramento, California 95825, Phone: (916) 484–4676.

Colorado State Office, Colorado State Bank Bldg., Rm. 700, 1600 Broadway, Denver, Colorado 80202.

Eastern States Office, 7981 Eastern Avenue, Silver Spring, Maryland 20910, Phone: (301) 427–7500.

Idaho State Office, Federal Building, Rm. 398, 550 West Fort Street, P.O. Box 042, Boise, Idaho 83724, Phone: (208) 384–1401.

Montana State Office, Granite Tower, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107, Phone: (406) 657–6461.

Nevada State Office, Federal Bldg., Rm. 3008, 300 Booth Street, Reno, Nevada 89509, Phone: (702) 784–5451.

New Mexico State Office, U.S. Post Office and Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, New Mexico 87501, Phone: (505) 988–6217.

Oregon State Office, 729 N.E. Oregon Street, P.O. Box 2965, Portland, Oregon 97208, Phone: (503) 231–6251.

Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, Phone: (801) 524–5311.

Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001, Phone: (307) 778–2220.

[FR Doc. 79-17474 Filed 6-5-79; 8:45 am]

BILLING CODE 4310-84-M

Federal Register

Wednesday
June 6, 1979

Part V

Department of the Interior

Fish and Wildlife Service

Determination That *Echinacea tennesseensis* Is an Endangered Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination That Echinacea tennesseensis Is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final Rule.

SUMMARY: The Service determines *Echinacea tennesseensis* (Tennessee purple coneflower), a native plant of Tennessee, to be an Endangered species. Past and potential loss of this species; habitat due to residential development is threatening the continued existence of the species. Overutilization of this species due to its esthetic and possibly medicinal qualities also poses a threat to this species. This action will provide the species protection provided by the 1973 Endangered Species Act, as amended.

DATE: This rulemaking becomes effective on July 5, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202/343-4646.

SUPPLEMENTARY INFORMATION:

Background

In response to Section 12 of the Endangered Species Act of 1973, the Secretary of the Smithsonian Institution, presented a report to Congress on January 9, 1975. This report, designated as House Document No. 94-51, listed over 3,100 U.S. vascular plant taxa considered to be endangered, threatened, or extinct. On July 1, 1975, the Director published a notice in the Federal Register (40 FR 27823-27924) announcing his acceptance of the report as a petition to list these species under Section 4(c)(2) of the Act. The Director also announced his intention to review the status of the plant taxa named in the report as well as any habitat which might be determined to be critical.

In the June 16, 1976, issue of the Federal Register (41 FR 24523-24512), the Service proposed approximately 1,700 vascular plant species to be designated as Endangered pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, Federal Register publication.

Echinacea tennesseensis was included in both the July 1, 1975, notice of review and the June 16, 1976, proposed rulemaking.

In the June 24, 1977, Federal Register (42 FR 23272-23281) the Service published a final rulemaking detailing the regulations to protect Endangered and Threatened plant species. The rules establish prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances.

Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the Federal Register prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976 were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). The Governor of Tennessee was notified of the June 16, 1976 proposal, but he submitted no comments on the proposed action. A summary of the comments pertaining specifically to *Echinacea tennesseensis* are discussed in the following paragraph.

No comments referring specifically to *Echinacea tennesseensis* were received during the official comment period. Since the close of the official comment period the Tennessee Heritage Program recommended that *Echinacea tennesseensis* and one other plant which occurs in Tennessee as most worthy of Federal endangered status.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Echinacea tennesseensis* (Beadle) Small (Tennessee purple coneflower) is in danger of becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Echinacea tennesseensis* are as follows:

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range.* Historically, *Echinacea tennesseensis* has been found in three Tennessee counties, Wilson, Davidson, and Rutherford. A 1933 manual of botany noted its distribution as the Interior and Ozark Plateaus of Tennessee and Arkansas. However, no localities of the species in Arkansas have ever been verified. Three extant populations of the coneflower occur today, in the same three Tennessee counties. However, one population has been totally destroyed and a new population discovered in the same county.

The population located in Davidson County has been reduced in size due to housing construction. This site occurs in an area undergoing rapid residential and recreational development, which could further threaten this species.

Three sites have been reported for Rutherford County but only one is extant today. The type locality was reported as a gravelly hillside near LaVergne, but the exact location of this site was not known. A population was known to occur near LaVergne on Stones River Road up until 1967, when the site was converted to a trailer park. Recent searches failed to locate any coneflowers among the trailers. The extant Rutherford County population occurs in a corporation's crushed limestone lot, whose present owner discovered the plants, reported their location to the Tennessee Heritage Program, and is sympathetic to conserving the species.

The third extant population is located in Wilson County in a pasture cedar glade. The majority of this site is in private ownership adjoining Cedars of Lebanon State Forest. A portion of this population occurs in the state forest. The private owner at this site is sympathetic to conserving the coneflower, but ownership could change leaving the species in a vulnerable position.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* The esthetic qualities of the species make it appealing to amateur collectors and wildflower enthusiasts. One instance of a large number of plants being removed from the Wilson County site has been observed. At one time in the 1960's, *Echinacea* roots were being purchased by a crude drug company for their believed medicinal qualities. If this

demand reoccurs, then this could pose a threat to the species also.

(3) *Disease and predation (including grazing).* Some light grazing occurs at the Wilson County site but may not be detrimental and may even be beneficial. However, an increase in the intensity of the grazing could be detrimental.

(4) *The inadequacy of existing regulatory mechanisms.* Tennessee does not currently have a law to protect rare plants. The Endangered Species Act would offer needed protection for the species.

(5) *Other natural or manmade factors affecting its continued existence.* Succession of the cedar glade communities in which this species occurs has been correlated with less reproductive "effort" in *Echinacea tennesseensis.* Maintenance of these communities may be advantageous to this species.

Effect of the Rulemaking

Section 7(a) of the Act as amended in 1978 provides:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of section 7 of the Endangered Species Act Amendments of 1978.

Endangered species regulations already codified and to be codified in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered or Threatened species. The regulations referred to above, which pertain to plant species, are found at § 17.61 (42 FR 32373–32381) and § 17.71 of Title 50 and are summarized below.

All provisions of Section 9(a)(2) of the Act, as implemented by § 17.61 (42 FR 32373–32381) would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, or to deliver, receive, carry, transport or ship in interstate or foreign commerce in the course of a commercial activity, or to sell or offer for sale in interstate or foreign commerce, this plant. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in the Federal Register of June 24, 1977 (42 FR 32373–32381), provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered plants are available for scientific purposes or for enhancing the propagation or survival of the species.

Effect Internationally

In addition to the protection provided by the Act, the Service will review the status of this species to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix to that Convention and whether it should be considered under other appropriate international agreements.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 specify that the following be added at the end of subsection 4(a)(1) of the Endangered Species Act of 1973:

> "At the time any such regulation (any proposal to determine a species to be an Endangered or Threatened species) is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat."

Echinacea tennesseensis is threatened by taking, an activity not prohibited by the Endangered Species Act of 1973 with respect to plants. Publication of critical habitat maps would make this species more vulnerable and therefore it would not be prudent to determine critical habitat.

Echinacea tennesseensis was proposed on June 16, 1976, and since critical habitat is not being determined for this species, none of the other amended subsections are applicable. Accordingly, the Service is proceeding at this time with a final rulemaking to determine this species as Endangered pursuant to the Endangered Species Act of 1973. This rule is issued under the authority contained in the Endangered Species Act of 1973 (U.S.C. 1531–1543; 87 Stat. 884).

The primary author of this rule is Ms. E. LaVerne Smith, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, species, the following plant:

§ 17.12 Endangered and threatened plants.

Species		Range		When listed	Critical habitat	Special rules
Scientific name	Common name	Known distribution	Status			
ASTERACEAE—Aster Family:						
Echinacea tennesseensis	Tennessee purple coneflower.	U.S.A. (Tennessee)	E	N/A	N/A	N/A

Note.—The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: May 16, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 79-17478 Filed 6-5-79; 8:45 am]

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Federal Register

Wednesday
June 6, 1979

Part VI

Federal Election Commission

Presidential Election Campaign Fund
Federal Financing of Convention

FEDERAL ELECTION COMMISSION

[11 CFR Chapter I and IX]

Presidential Election Campaign Fund Federal Financing of Conventions

AGENCY: Federal Election Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission has prepared a draft set of revised regulations implementing the convention financing provisions of the Federal Election Campaign Act of 1971, as amended (26 U.S.C. 9008). The draft revised regulations incorporate suggestions received at public hearings held on June 20, 1978 (43 FR 23587, May 31, 1978). They are intended as substitutes for the present 11 CFR Chapter I, Subchapter B, Parts 120 through 125.

DATES: Comments must be received on or before June 18, 1979.

ADDRESSES: Address comments to Office of General Counsel, Federal Election Commission, 1325 K Street, Northwest, Washington, D.C. 20463. (202) 523-4143.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Ann Fiori, Assistant General Counsel for Legislation & Regulations (202) 523-4143.

SUPPLEMENTARY INFORMATION: The draft regulations have been renumbered according to the sections of the U.S. Code on which each is based. When incorporated into the Code of Federal Regulations they will become 11 CFR, Chapter IX, Subchapter B, Part 9008. At that time the present 11 CFR, Chapter I, Subchapter B, Parts 120 through 125 will be deleted.

Dated: May 23, 1979.

Robert O. Tiernan,

Chairman, Federal Election Commission.

PARTS 120-125—[Deleted]

It is proposed to amend 11 CFR Chapter I by deleting present Part 120-125 and adding Part 9008, in Subchapter B to Chapter IX to read as follows:

Subchapter B—Presidential Election Campaign Fund, Federal Financing of Conventions

Part 9008—FEDERAL FINANCING OF NOMINATING CONVENTIONS

Sec.

Authority: Sec. 406(a), Pub. L. 93-443, 88 Stat. 1294-96, as amended by sec. 303, 307(a), Pub. L. 94-283, 90 Stat. 498, 501, (26 U.S.C. 9008).

PART 9008—FEDERAL FINANCING OF NOMINATING CONVENTIONS

§ 9008.1 Scope. (§ 120.1)*

(a) This part interprets 2 U.S.C. 437 and 26 U.S.C. 9008. Under 26 U.S.C. 9008(b), the national committees of both major and minor parties are entitled to public funds to defray expenses incurred with respect to a Presidential nominating convention Under 26 U.S.C. 9008(d), these expenses are limited to $2,000,000, as adjusted by the Consumer Price Index. The expenditure limitation applies to all major and minor party national committees, regardless of whether or not they accept public funds. New parties are not entitled to receive any public funds to defray convention expenses and are not subject to any expenditure limitation.

(b) Under 2 U.S.C. 437, committees or organizations dealing with matters involving a presidential nominating convention are required to file disclosure reports. This reporting obligation extends to all presidential nominating conventions, regardless of whether or not public funds were used or available to defray *convention* expenses.

§ 9008.2 Definitions. (§ 120.2)

(a) "Commission" means the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

(b) "Fund" means the Presidential Election Campaign Fund established by 26 U.S.C. 9006(a).

(c) "Major party" means, with respect to any Presidential election, a political party whose candidate for the office of President in the preceding Presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(d) "Minor party" means, with respect to any Presidential election, a political party whose candidate for the office of President in the preceding Presidential election received, as the candidate of such party, 5 percent or more, but less than 25 percent, of the total number of popular votes received by all candidates for such office.

(e) "New party" means, with respect to any Presidential election, a political party which is neither a major party nor a minor party.

(f) "Secretary" means the Secretary of the Treasury of the United States.

§ 9008.3 Entitlement to payments from the fund.

(a) *Major parties.* (§ 122.1) Subject to the provisions of this part, the national committee of a major party shall be entitled to receive payments under § 9008.4 with respect to any Presidential nominating convention, in amounts which, in the aggregate, shall not exceed $2 million, as adjusted by the Consumer Price Index under § 9008.4(a).

(b) *Minor parties.* (§ 122.2) Subject to the provisions of this part, the national committee of a minor party shall be entitled to payments under § 9008.4 with respect to any Presidential nominating convention in amounts which, in the aggregate, shall not exceed an amount which bears the same ratio to the amount the national committee of a major party is entitled to receive under § 9008.4, as the number of popular votes received in the preceding Presidential election by the minor party candidate for President, as a candidate of that party, bears to the average number of popular votes received in the preceding Presidential election by the major party candidates for President, as candidates of such parties.

§ 9008.4 Adjustment of entitlement. (§ 122.3)

(a) The entitlements established by this part shall be adjusted in the same manner as expenditure limitations established by section 441a(b) of Title 2, United States Code are adjusted on the basis of the Consumer Price Index pursuant to the provisions of section 441a(c) of such title.

(b) The entitlements established by this part shall be decreased by the amount of income generated by the investment of public funds under § 9008.5

(c) The entitlements established by this part shall be adjusted so as not to exceed the difference between the expenditure limitations of § 9008.8 and the amount of private contributions received under § 9008.8 by the national committee of a political party and used to defray convention expenses.

*Citation to current regulation follows each renumbered section for reference purposes only. It will not appear in the codified regulation.

§ 9008.5 Limitation on payments.

Payments to the national committee of a major party or a minor party under this subsection from the account designated for such committee shall be limited to the amounts in such account at the time of payment.

§ 9008.6 Use of funds. (§ 122.5)

(a) *Permissible Uses.* Any payment made under this Part 9008 shall be used only for the purposes set forth in this section.

(1) Such payment may be used to defray the convention expenses incurred (including the payment of deposits) by or on behalf of the national committee receiving such payments; or

(2) Such payment may be used to repay the principal and interest on loans the proceeds of which were used to defray convention expenses; or

(3) Such payment may be used to restore funds (other than contributions received by the committee to defray convention expenses) used to defray convention expenses.

(4) Convention expenses includes all expenses incurred for the purpose of conducting a Presidential nominating convention or convention-related activities (including the payment of deposits) by or on behalf of the national committee of a political party, such as—

(i) Any expense for preparing, maintaining, and dismantling the physical site of the convention, including rental of the hall, platforms and seating, decorations, telephones, security, and convention hall utilities;

(ii) Salaries and expenses of personnel whose responsibilities are planning, managing, or conducting the convention, including staff members of convention committees or arrangements committees and similar personnel;

(iii) Any expenses of those persons employed by the national committee employees if those expenses were incurred in the performance of personal services for the convention in addition to the services normally rendered to the national committee by those employees, such as travel expenses to, from and in the convention city or other locations where meetings specified in paragraph (a)(4) of this section are held, but excluding any portion of the person's salary paid by the national committee, provided that the services of that person were incidental to the convention and not performed as a major responsibility;

(iv) The expense of conducting meetings, whether or not at the convention site, of or related to convention policy committees, such as rules, credentials and platform committees, and non-policy committees, such as site, contests, call, arrangements, and permanent organization committees, including costs of renting meeting space and printing materials (except for certain legal and accounting expenses under § 9008.7(f)).

(v) The expenses incurred in securing a convention city and facility;

(vi) The expense of providing a transportation system in a convention city for the use of delegates and other persons attending or otherwise connected with the convention;

(vii) The expenses of entertainment activities which are part of official convention activity sponsored by the national committee, including but not limited to dinners, concerts, and receptions, but expenses for the following activities are excluded: Entertainment activities sponsored by or on behalf of candidates for nomination to the office of President or Vice President, or State delegations; entertainment activities sponsored by the national committee if the purpose of the activity is solely for national committee business, such as fundraising events, selecting new officers for the national committee; or entertainment activities sponsored by persons other than the national committee, not otherwise prohibited;

(viii) The expenses of printing official convention programs, a journal of proceedings, agendas, tickets, badges, passes, and other official publications;

(ix) The administrative and office expenses of conducting the convention such as stationery and office supplies, office machines, and telephone charges, but excluding the cost of any such services if supplied by the national committee at its headquarters or principal office and if such services are incidental to the convention and not utilized primarily for the convention;

(x) Repayment of advances which are from the national committee and used to defray convention expenses;

(xi) The interest on loans the proceeds of which are used to defray convention expenses; and

(5) Any investment of public funds or any other use of public funds to generate income is permissible only if the income so generated is used to defray convention expenses. This income will be applied against the national committee's payments under § 9008.2, or where appropriate, the Commission may determine that a repayment is required on the basis of such income. (§ 122.4)

(b) *Prohibited Uses.* (§ 122.5) (1) No part of any payment made under § 9008.3 shall be used to defray the expenses of any candidate, delegate, or alternative delegate who is participating in any Presidential nominating convention except that the expenses of a person participating in the convention as official personnel of the national party may be defrayed with public funds even though that person is simultaneously participating as a delegate or candidate to the convention.

(2) Public funds shall not be used to defray any expense the incurring or payment of which violates any law of the United States or of the State in which such expense is incurred or paid. (§ 122.5(a)(2)).

§ 9008.7 Limitation of expenditures.

(a) *National Party Limitations*—(1) *Major Parties.* (§ 121.1) Except as provided by § 9008.7(a)(3), the national committee of a major party may not incur convention expenses with respect to a Presidential nominating convention which, in the aggregate, exceed the amount of payments to which such committtee is entitled under § 9008.3, whether or not the national committee elects to receive any public funds.

(2) *Minor Parties.* (§ 121.2) Except as provided by § 9008.7(3), the national committee of a minor party may not incur convention expenses with respect to a Presidential nominating convention which, in the aggregate, exceed the amount of the entitlement of the national committee of a major party under § 9008.3, whether or not the national committee of a minor party elects to receive any public funds.

(3) *Authorization to Exceed Limitation. (§ 121.3)* The Commission may authorize the national committee of a major party or minor party to make expenditures for convention expenses which expenditures, in the aggregate, exceed the limitation established by § 9008.7(1) or § 9008.7(2). This authorization shall be based upon a determination by the Commission that, due to extraordinary and unforeseen circumstances, the expenditures are necessary to assure the effective operation of the Presidential nominating convention by the committee. In no case, however, will such authorization entitle a national committee to receive public funds greater than the entitlement specified under § 9008.3. Examples of "extraordinary and unforeseen circumstances" are a deadlocked convention; a convention extended due to rules or credential disputes; a natural disaster; or a catastrophic occurrence at the convention site.

(b) *Expenditures by Government Agencies and Municipal Corporations.* (§ 121.4) (1) Expenditures incurred by State or local government agencies or municipal corporations with respect to a

Presidential nominating convention will not be considered either expenditures made by a national party or illegal corporate contributions under 2 U.S.C. 441b. These expenditures will therefore not be subject to the national party's expenditure limitation under §§ 9008.7(1) and 9008.7(2): *Provided,* That the facilities or services supplied to the national committee were not leased, purchased or otherwise obtained from any other person (including a national bank, corporation or labor organization) for less than fair market value.

(2) Examples of expenditures permitted under this section are:

(i) The use of an auditorium or convention center, construction and convention related services therein such as: Construction of podiums; press tables; false floors; camera platforms; additional seating; lighting, electrical, air conditioning and loudspeaker systems; offices; office equipment; and decorations;

(ii) Various transportation services, including the provision of buses and automobiles;

(iii) Law enforcement services necessary to assure orderly conventions;

(iv) Use of convention bureau personnel to provide central housing and reservation services;

(v) Rooms in hotels in proportion to the number of rooms actually booked by the conventions;

(vi) Local transportation, accommodations and hospitality for committees of the parties responsible for choosing the sites of the conventions, and

(vii) Other similar convention related facilities and services.

(3) Expenditures made under § 9008.7(b) are subject to reporting requirements under § 9008.12.

(c) *In-Kind Contributions by Businesses*—(1) *Discounts by retail busienss concerns.* (§ 121.5) Private retail business concerns (whether incorporated or not) may, at less than fair market value, sell, lease, or rent, or offer to sell, lease, or rent to the national party for the convention any services, materials, space, or goods that the business normally deals in.

(i) For example, the business may provide discounts of standard rates for any goods or services, provided that the discounts are offered in the ordinary course of business and are standard practice based upon the quantity of similar goods and services sold, leased, or rented in similar transactions. For the purposes of this section, a local bank may be considered a private retail business concern.

(ii) As long as the discount does not exceed the amounts specified in paragraph (c)(1)(ii) of this section, it will not count toward the national party expenditure limitation under § 9008.7(a).

(2) *Samples and promotional material.* (§ 121.6) Private business concerns, including local banks, may sell at nominal cost or provide at no charge any of their products or services in the form of samples or discount coupons, or provide promotional items of nominal value, such as maps, pens, or pencils, with the business' name imprinted on the item, to those attending the convention functions: *Provided,* That—

(i) The samples and the like are solely for bona fide advertising or promotional purposes and are not provided for the purpose of influencing any delegate's or alternate's vote;

(ii) The activity is in the ordinary course of business as evidenced by past practice with other political and nonpolitical conventions.

(iii) The samples, coupons, and promotional material may be distributed by or with the help of persons employed by the business, the national party, or a citizen host committee.

(iv) The value of the benefits provided will not count toward the national party's expenditure limitation under § 9008.6(a).

(3) *In-Kind Contributions to Host Committee.* (§ 121.7) Local private businesses, including local banks, and labor organizations may donate or offer at a reduced rate to the host committee office space, supplies, furniture, transportation, and the like for use by the host committee for administrative purposes. (See § 9008.7(d) for regulations applicable to host committees.)

(d) *Contributions to and Expenditures by Host Committee*—(1) *Host Committee Organization.* (§ 120.2(h)) A host committee includes any local organization, such as a local civic association, business league, chamber of commerce, real estate board, board of trade, or convention bureau—

(i) Not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual, and

(ii) A principal objective of which is the encouragement of commerce in the convention city, as well as projecting a favorable image of the city to convention attendees.

(2) *Donation of funds to host committee.* (§ 121.8) Local businesses, including local banks, (whether incorporated or not) and labor organizations may donate funds to a citizen's host committee.

(i) Subject to § 9008.7(d), the use of the funds may be restricted by the donor in any manner agreeable between the donor and the recipient host committee, such as earmarking the funds for a particular project or purpose, of having the contribution acknowledged as "Courtesy of X, Y and Z Companies," so long as any restrictions are commercially motivated and are nonpolitical.

(3) *Use of funds by host committee.* (§ 121.9) Funds donated to the host committee may be used—

(i) To defray those expenses incurred for the purpose of promoting the suitability of the city as a convention site;

(ii) To defray those expenses incurred for welcoming the convention attendees to the city, such as expenses for information booths, receptions, and tours;

(iii) To defray those expenses incurred in facilitating commerce, such as providing the convention and attendees with shopping and entertainment guides and distributing the discount coupons and samples specified in § 9007.7(c)(2);

(iv) To defray the administrative expenses incurred by the host committee, such as salaries, rent travel, and liability insurance;

(v) To defray what would otherwise be a convention expense by the national committee (such as renting or refurbishing the convention hall or renting seats, lights and similar equipment), but only if the funds received and used by the committee for such purposes have been maintained in a separate account, and where the host committee has received funds from incorported local retail businesses, the amount received is proportionate to the commercial return reasonably expected by the business during the life of the convention;

(vi) To repay loans borrowed from a national or State bank to obtain funds to defray expenses incurred under the above subsections, and

(vii) To defray or assist in defraying expenses incurred by a Federal or local government agency or a municipal corporation if those expenses are similar to those which the host committee is permitted to incur directly under this section. (§ 9008.6(d)(3))

(4) *Expenditure Limitation.* Funds used by the host committee in accordance with § 9008.7(d)(3) will not be considered expenditures and will not count against the expenditure limitation under § 9008.7(a).

(e) *Expenditures to Participate in or Attend Convention.* (§ 121.10(a)) (1) For purposes of this part, expenditures made

by Presidential candidates from campaign accounts, by delegates, or by any other individual from his or her personal funds for the purpose of attending and participating in the convention or convention-related activities, or made on his or her behalf by State or local committees of a political party, will not be considered as expenditures made by or on behalf of the national party, and are therefore not subject to the overall expenditure limitations of § 9008.7.

(2) Expenditures made under paragraph (a)(1) of this section by candidates from campaign accounts, or by State and local party committees or any other political committee or person shall be reported pursuant to Part 104.

(f) *Legal and Accounting Services.* (§ 121.10(b)) Legal and accounting services. For purposes of this section—

(1) The payment by a person (other than the national committee of a political party) of compensation to any individual for legal or accounting services rendered to, or on behalf of, the national committee is not an expenditure counting against the expenditure limitation under § 9007.7(a), so long as the person paying is the regular employer of the individual rendering the service and so long as the services are not attributable to activities which directly further the election of any designated candidate for Federal office. For purposes of this paragraph a partnership shall be deemed to be the regular employer of a partner.

(2) The payment by the national committee of compensation to any individual for legal and accounting services rendered to, or on behalf of, the national committee is an expenditure counting against the expenditure limitation under § 9008.7(a), whether paid from funds received by the national committee from the Presidential Election Campaign Fund or from private contributions.

§ 9008.8 Payment and certification procedures.

(a) *Optional payments; private contributions.* (§ 123.1) (1) A major or minor party may elect to receive all, part, or none of the amounts to which it is entitled under §§ 9008.3 and 9008.4.

(2) A major party electing to receive part or none of the amounts to which it is entitled under §§ 9008.3 and 9008.4 may receive and use private contributions, so long as the sum of the contributions which are used to defray convention expenses and the amount of entitlements elected to be received does not exceed the total expenditure limitation under § 9008.7.

(3) A minor party electing to receive all, part, or none of the amounts to which it is entitled under §§ 9008.3 and 9008.4 may receive and use private contributions for the nominating convention, so long as the sum of the contributions which are used to defray convention expenses and the amount of entitlements elected to be received does not exceed the total expenditure limitation under § 9008.7.

(b) *Eligibility requirements.* (§ 123.3) (1) To qualify for entitlement under §§ 9008.3 and 9008.4, the national committee of a major or minor political party must file with the Commission an application statement meeting the requirements of § 9008.8(b)(2) and an agreement to comply with the conditions set forth in § 9008.8(b)(3).

(2) The application statement shall include the information set forth below and any changes in that information must be reported to the Commission within 10 days following the change:

(i) The name and address of the national committee;

(ii) The name and address of the convention arrangements committee of the national committee or such similar committee in charge of the national convention;

(iii) The name of the city where the convention is to be held and the approximate dates;

(iv) The name, address, and position of the officers and members of the convention arrangements committee;

(v) The name, address, and position of the party officials designated by the national committee to sign requests for payments; and

(vi) The name and address of the commercial bank to be used as the depository of the convention arrangements committee;

(3) The national committee shall, by a letter to the Commission, agree to the following conditions:

(i) The national committee shall agree to comply with the applicable expenditure limitation set forth at 11 CFR 9008.7.

(ii) The national committee shall agree to file convention reports as required under 26 U.S.C. 437 and 11 CFR 9008.12.

(iii) The national committee shall agree to establish one or more accounts into which all public funds received under 11 CFR Part 9008 must be deposited and from which all expenditures by the national committee for convention expenses must be made: *Provided,* That such account(s) contain public funds solely.

(iv) If the national committee decides to receive private contributions, it shall agree to establish one or more accounts into which all private contributions received by the national committee to defray convention expenses shall be deposited and from which all expenditures to defray such expense shall be made: *Provided,* That such accounts contain private contributions solely.

(v) The national committee shall agree to file with the Commission a copy of any contract which the national committee enters into with a host committee or a convention city.

(vi) The national committee shall agree to obtain and furnish to the Commission at its request any evidence regarding convention expenses made by the committee. The national committee has the burden of proving that expenditures by the committee are made for purposes authorized by § 9008.6. The Committee must include as part of the evidence regarding the following documentation:

(A) For expenditures exceeding $100 or for expenditures of less than $100 to a payee who receives expenditures aggregating more than $100 per year, either:

(*1*) A receipted bill which is from the payee and states the particulars of the expenditure; or

(*2*) If such a receipted bill is not available, the following documents, which must state the particulars of the expenditure:

(*i*) A cancelled check negotiated by the payee; plus

(*ii*) One of the following documents generated by the payee—a bill, invoice, voucher or contemporaneous memorandum;

(*iii*) Where the documents specified in subsection (*ii*) are not available, a voucher or contemporaneous memorandum from the committee; or

(*3*) If neither a receipted bill nor the documentation specified in paragraph (*iii*) is available, a cancelled check stating the particulars of the expenditure.

(*4*) Where the supporting documentation required above is not available, the committee may present a cancelled check and collateral evidence to document the qualified campaign expense. Such collateral evidence may include but is not limited to:

(*i*) Evidence demonstrating that the expenditure is part of an identifiable program or project which is otherwise sufficiently documented, such as where the expenditure is one of a number of documented expenditures relating to the operation of a committee office;

(*ii*) Evidence that the expenditure is covered by a preestablished written committee policy, such as a diem policy.

(B) For all other expenditures:

(*1*) If from the petty cash fund, a record disclosing the identification of the payee, the amount and the date of the expenditure; or

(*2*) A cancelled check which has been negotiated by the payee and states the identification of the payee, and the amount and date of the expenditure.

(C) (*1*) For purposes of 11 CFR 9008.8(b)(3)(vi), "payee" means the person who provides the goods of services to the committee in return for the expenditure except for an advance of $500 or less for travel and/or subsistence to an individual who will be the recipient of the goods or services purchased.

(2) For purposes of 11 CFR 9008.8(b)(3)(vi) the "particulars" means the identification of the payee, the date and amount of the expenditure and a description of the goods or services purchased.

(D) Upon the request of the Commission the committee shall supply an explanation of the connection between the expenditure and the convention.

(vii) The national committee shall agree to keep and furnish to the Commission any books, records, including bank records for all accounts, or other information that the Commission may request.

(viii) The national committee shall agree to permit an audit and examination pursuant to 26 U.S.C. 9008(g) of all convention expenditures; facilitate such audit by making available office space, records, and such personnel as is necessary to the conduct of the audit and examination; and pay any amounts required to be paid under 26 U.S.C. 9008(h).

(ix) The national committee shall pay any civil penalties included in a conciliation agreement with or imposed under 2 U.S.C. 437g against the committee.

(4) Filing Date—The application statement and agreement may be filed any time after June 1 of the calendar year preceding the year in which a Presidential nominating convention of a political party is held, but no later than first day of the convention. (§ 125.3(b)

(c) *Increase in Certified Amount.* (§ 122.3) If the application statement is filed before it is possible to determine the cost of living increase for the year preceding the convention, that amount determined by the increase shall be paid to the national committee promptly after the increase has been determined (§ 122.3).

(d) *Availability of Payments.* (§ 123.4(a)) The national committee of a major or minor party may receive payments under § 9008.8 beginning on July 1 of the calendar year immediately preceding the calendar year in which a Presidential nominating convention of the political party involved is held.

(e) *Payment Schedule.* (§ 123.4) After a national committee has properly submitted its application statement and agreement as required under 11 CFR 9008.8(b), an initial payment will be certified to the Secretary of the Treasury upon the receipt of a written request.

(1) *Initial certification and payment.* A written request for an initial payment shall—

(i) Specify an amount to be received, not to exceed 30 percent of the agregate amount to which the committee is entitled;

(ii) Be supported by a statement projecting and describing estimated convention expenses, as well as those already incurred (including advances made by the national committee), except that projected expenditure categories need not be itemized in specific dollar figures.

(iii) A request for initial payment may be submitted to the Commission any time after June 1 of the calendar year preceding the year in which the convention is held, and may be submitted simultaneously with the application statement and agreement required under § 9008.8(b).

(iv) A properly submitted request for initial payment shall be reviewed and certified by the Commission to the Secretary for payment not later than 5 working days after receipt by the Commission, but no payment will be made prior to July 1 of the calendar year preceding the calendar year of the convention.

(2) *Additional Certifications and Payments*—(i) *Additional requests and certifications.* (A) After receipt of the initial payment, the national committee may submit requests for additional payments at any time after August 1 of the calendar year preceding the calendar year of the election, except that such requests may be submitted only on the first day of the month. Additional certification and payments shall not be granted unless the committee has submitted an application statement and agreement as required under 11 CFR § 9008.8(b).

(B) A written request for additional payment shall meet all the requirements for an initial payment as set forth at 11 CFR 9008.8(b)(1), (2) and (3) and may not exceed 30 percent of the aggregate amount to which the committee is entitled.

(C) In certifying payment the Commission shall reduce the amount requested by the committee by the amount of income generated through the investment of public funds, except that this reduction shall be decreased by the amount of tax owed on the basis of such investment income. Any income generated through investment of public funds shall be paid to the Fund if an amount has not been deducted from the committee's payment, except that the committee may decrease the amount payable to the Fund by the amount of taxes owed on such income.

(D) In certifying payment, the Commission may, after written notice to the committee, withhold an amount not to exceed 10 percent of the committee's total entitlement. Funds withheld under this subsection shall be certified for payment after the convention upon submission of a post convention payment request accompainied by the committee's convention financing reports required under § 9008.12.

(E) Requests for additional payment, if submitted in accordance with § 9008.8(c)(2)(i) shall be certified by the Commission to the Secretary within 5 working days.

(ii) *Letter of Credit.* (A) After receipt of the initial payment, the national committee may, in lieu of submitting additional requests for payment under 11 CFR 9008.8(c)(2)(i), opt to receive the remainder of its entitlement through a letter of credit from the Secretary.

(B) The letter of credit shall not exceed 90 percent of the committee's total entitlement less the amount of the initial payment.

(C) The Secretary will make disbursements upon written request from the national committee until the amount specified under § 9008.8(C)(2)(ii) (B) is exhausted.

(D) The national committee may submit a request for the final payment of the remaining 10 percent of its entitlement. The Commission may, after written notice to the committee, withhold this amount until after the convention. Amounts so withheld shall be certified after the national committee files a convention financing report, as required under § 9008.12.

§ 9008.9 Examination and audits. (§ 124.3)

The Commission shall conduct an examination and audit of the convention expenses of the national party no later than December 31 of the calendar year of the convention and may at any time conduct other examinations and audits as it deems necessary. (§ 124.3)

§ 9008.10 Repayments. (§ 124.1)

(a) If the Commission determines that—

(1) Any portion of any payment to the national committee was in excess of the aggregate payments to which the national committee is entitled under 11 CFR 9008.3 and 9008.4; or

(2) The national committee incurred convention expenses in excess of the limitation on expenditures under 11 CFR 9008.7; or

(3) The national committee accepted contributions to defray convention expenses which, when added to the amount of payments received, exceeds the expenditure limitation of such party under 11 CFR 9008.7; or

(4) Any amount of any payment to the national committee was used for any purpose other than those authorized by § 9008.6 the Commission shall notify the national committee and the national committee shall repay an amount equal to the excessive or the improperly used amount involved.

(b) *If any portion of the payment under § 9008.3 remains unspent after all convention expenses have been paid, that portion shall be returned to the Secretary.*

(c) The committee shall make an interim repayment of unspent funds based on the financial position of the committee as of the end of the sixth month following the close of the convention, allowing for a reasonable amount as determined by the Commission to be withheld for unanticipated contingencies. If the committee subsequently need amounts so refunded to defray convention expenses, the Commission shall certify such amounts for payment upon the written request of the committee, except that no payment will be certified more than 3 years after the convention.

(d) All unspent funds shall be repaid to the U.S. Treasury no later than 12 months after the close of the convention unless the national committee has been granted an extension of time. The Commission may grant any extension of time it deems appropriate upon request of the national committee.

(e) No repayment shall be required from the national committee under this section, which, when added to other repayments required from such national committee under this section, exceeds the amount of payments received by such national committee under §§ 9008.3 and 9008.4. (§ 124.1(e))

(f) If the Commission determines that repayment is required, it shall give written notification to the committee of the amounts required to be paid and the reasons therefor. No notification shall be made by the Commission under this section more than 3 years after the last day of the Presidential nominating convention. (§ 124.2)

(g) The national party shall repay to the Secretary, within 90 days of the notice, the amount of the repayment. Upon application submitted by the national party, the Commission may grant a 90-day extension of the repayment period. (§ 124.2)

(h) Subject to § 9008.2, the Commission may obtain repayment by authorizing the Secretary to deduct the repayable amount determined under § 9008.10 from the amount otherwise due the national committee for its next payment. All other repayments shall be made payable to the Secretary and deposited by him in the general fund of the Treasury. (§ 124.1(f))

§ 9008.11 Resolution of disputes concerning repayments. (§ 124.2(d))

(a) If the national committee disputes the Commission's preliminary determination that a repayment is required, it shall submit to the Commission in writing within 30 days of receipt of the Commission's notification legal or factual materials to demonstrate that a repayment is not required.

(b) The Commission will consider any written legal or factual material submitted by the nationsl committee in making its final determination. Such materials may be submitted by counsel if the candidate so desires.

(c) A final determination by the Commission that a national committee must repay a certain amount shall be accompanied by a written statement of reasons for the Commission's actions. This statement shall explain the reasons underlying the Commission's determination and shall summarize the results of any investigation upon which the determination is based.

(d) The national committee shall repay to the Secretary any amount required to be repaid within ten days of receipt of the Commission's notification of final determination.

§ 9008.12 Convention committee registration and reports.

(a) *Reports by government agencies, municipal corporations, and private host committees.* (1) Each State and local government agency, municipal corporation and private host committee which deals with officials of a national political party with respect to matters involving a Presidential nominating convention shall register with the Commission by letter. This letter shall contain the name of the government agency, municipal corporation or host committee, its officers, and a list of the activities which the registering entity plans to undertake.

(2) Each State or local government agency, municipal corporation or private host committee which deals with officials at a national party with respect to matters involving a Presidential nominating convention shall file reports with the Commission as set out in paragraph (c) of this section.

(3) Each Committee or other organization specified in paragraph (a)(1) of this section need not report its unsuccessful efforts to attract the convention to its city.

(b) *Reports by political parties.* (§ 125.2) (1) Each committee or other organization, including a national committee, which represents a national major, minor, or new political party in making arrangements for the convention of that party held to nominate a candidate for the office of President or Vice President, shall file reports with the Commission as set out in § 9008.12(c).

(2) A State party committee or a subordinate committee of a State party committee which only assists delegates and alternates to the convention from that State with travel expenses and arrangements, or which sponsors caucuses, receptions, and similar activities at the convention site, need not report under this Part.

(c) *Post-Convention reports; Content and Time of Filing (§ 125.3 and § 125.4)* (1) Each committee or organization required to file a financial statement shall within 60 days following the last day the convention is officially in session, but not later than 20 days prior to the date of the general election, file with the Commission a convention report on FEC Form 4 which shall contain all receipts and disbursements in connection with the convention and shall be complete as of 45 days following the convention.

(2) If the committee spends or receives any funds after 45 days following the convention, the committee shall begin to file no later than 10 days after the end of the next calendar quarter a report disclosing all transactions completed as of the close of that calendar quarter and shall continue to file quarterly reports thereafter until the committee ceases activity.

(3) Each committee shall file a final report with the Commission not later than 10 days after it ceases activity, unless such status is reflected in either of the reports submitted pursuant to paragraphs (d)(1) or (2) of this section.

(d) *Committees receiving public funds; quarterly reports.* (1) Any national committee of a major or minor

party which receives, directly or indirectly, all or part of the payment for Presidential nominating conventions under 26 U.S.C. 9008, shall, in addition to the post-convention reports required to be filed under § 9008.12(1), file quarterly reports as follows:

(2) The quarterly report shall be filed no later than 10 days after the end of the calendar quarter in which the committee receives payment under 26 U.S.C. 9008 and after each subsequent quarter in which the committee receives or expends any funds until the date of the convention, except that any quarterly report due 20 days or less before or after the convention shall be suspended and need not be filed until 30 days after the close of the convention.

(3) A national committee which has received payments under 26 U.S.C. § 9008, shall cease activity no later than 12 months after the convention, unless the committee advises the Commission of extenuating circumstances at least 30 days prior to the close of the 12 month period. (2 U.S.C. 437)

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Part VII

Securities and Exchange Commission

Proposed Rule To Make Available to the Municipal Securities Rulemaking Board Copies of Reports of Compliance Examinations of Municipal Securities Brokers and Municipal Securities Dealers

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-15885; File No. S7-784]

Proposed Rule To Make Available to the Municipal Securities Rulemaking Board Copies of Reports of Compliance Examinations of Municipal Securities Brokers and Municipal Securities Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission proposes to adopt a rule to make available to the Municipal Securities Rulemaking Board copies of reports of compliance examinations of municipal securities brokers and municipal securities dealers. The Securities Exchange Act of 1934 directs the Commission to make available to the Municipal Securities Rulemaking Board, upon request, copies of reports of examinations made by the Commission, or furnished to it by appropriate regulatory agencies, subject to such limitations as the Commission establishes by rule as necessary or appropriate in the public interest or for the protection of investors.

DATES: Comments should be submitted on or before June 27, 1979.

ADDRESSES: Interested persons should should submit three copies of their views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, NW., Washington, D.C. and should refer to Securities and Exchange Commission File No. S7-784.

FOR FURTHER INFORMATION CONTACT: Marcia L. MacHarg, Esq., Office of Self-Regulatory Oversight, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-7128.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announced today that it has published for comment proposed rule 15Bc7-1 (17 CFR 240.15Bc7-1) to make available to the Municipal Securities Rulemaking Board (the "MSRB") copies of reports of compliance examinations of municipal securities brokers and municipal securities dealers, pursuant to Section 15B(c)(7) of the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78o-4(c)(7)). Section 15B(c)(7) directs the Commission to make available to the MSRB, upon request, copies of reports of examinations made by the Commission, or furnished to it by appropriate regulatory agencies, subject to such limitations as the Commission establishes by rule as necessary or appropriate in the public interest or for the protection of investors.

Background

The Securities Acts Amendments of 1975 ("1975 Amendments")[1] provided for the establishment of the MSRB to adopt rules, subject to Commission approval, relating to trading in municipal securities and the activities of municipal securities brokers and municipal securities dealers. Congress intended to provide the MSRB with "ample opportunity to develop responsible rules for the industry."[2] Compliance examinations are a source of current information which the MSRB may use to monitor the activities of municipal securities professionals, and Section 15B(c)(7) of the Act provides a mechanism for giving the MSRB access to reports of such examinations.[3]

Compliance examinations of municipal securities brokers and municipal securities dealers are conducted periodically[4] by the Commission, the NASD, and the appropriate bank regulatory agencies.[5] Section 15B(c)(7)(B) provides that the Commission will make available to the MSRB, upon request, copies of reports of examinations of municipal securities brokers or municipal securities dealers made by or furnished to the Commission,[6] subject to such limitations as the Commission, by rule, deems necessary or appropriate in the public interest.

On February 16, 1979, the MSRB submitted a written request to the Commission pursuant to Section 15B(c)(7) of the Act for copies of reports of examinations, or information contained in reports of examinations, of municipal securities brokers and municipal securities dealers made by or furnished to the Commission.[7] The proposed rule would make information from reports of such exminations available to the MSRB, subject to limitations designed to protect the confidentiality of such information and to establish procedures for furnishing it to the MSRB.

The Proposed Rule

The proposed rule would require, prior to the Commission's furnishing any information to the MSRB, that the MSRB establish by rule, and thereafter maintain, adequate procedures for ensuring the confidentiality of information made available to it pursuant to Section 15B(c)(7) of the Act.[8]

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[1] Pub. L. No. 94-29 (June 4, 1975).

[2] *Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249* [S. Rep. No. 75) 94th Cong., 1st Sess. 48 (1975).

[3] Section 15B(c)(7)(B) of the Act reads as follows: A registered securities association shall make a report of any examination conducted pursuant to subsection (b)(2)(E) of this section and promptly furnish the Commission a copy thereof and any data supplied to it in connection with such examination. Subject to such limitations as the Commission, by rule, determines to be necessary or appropriate in the public interest or for the protection of investors, the Commission shall, on request, make available to the Board a copy of any report of an examination of a municipal securities broker or municipal securities dealer made by or furnished to the Commission pursuant to this paragraph or Section 17(c)(3) of this title.

[4] The MSRB adopted rule G-16 pursuant to section 15B(b)(2)(E) of the Act (15 U.S.C. 78o-4(b)(2)(E)), which authorizes the MSRB to propose and adopt rules to provide for periodic examinations of "municipal securities brokers and municipal securities dealers to determine compliance with applicable provisions" of the Act, rules promulgated thereunder, and MSRB rules. Rule G-16 was approved by the Commission in Securities Exchange Act Release No. 14324 (Dec. 29, 1977), and provides: At least once each twenty-four months, each municipal securities broker and municipal securities dealer shall be examined in accordance with Section 15B(c)(7) of the Act to determine, at a minimum, whether such municipal securities broker or municipal securities dealer and its associated persons are in compliance with all applicable provisions of the Act and rules and regulations of the Commission thereunder.

Section 15B(c)(7)(A) of the Act provides that examinations shall be conducted by the Commission, the NASD, or the appropriate bank regulatory agency.

[5] The term "appropriate regulatory agency" is defined in Section 3(a)(34)(A) of the Act (15 U.S.C. 78c(34)(A)). The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation are the appropriate regulatory agencies for municipal securities dealers which are banks or separately identifiable departments or divisions of banks regulated by those agencies. The term "separately identifiable department or division" is defined in MSRB rule G-1 pursuant to Section 3(a)(30) of the Act (15 U.S.C. 78c(30)).

[6] Section 15B(c)(7) of the Act requires that copies of examination reports of municipal securities brokers or dealers made by the NASD shall be furnished to the Commission. Section 17(c)(3) of the Act (15 U.S.C. 78q(c)(3)) provides that the appropriate bank regulatory agency for a bank municipal securities dealer shall furnish to the Commission, upon request, copies of reports of examinations.

[7] Under the proposed rule, the Commission would, on a continuing basis, make information from reports of examinations available to the MSRB within thirty (30) days after such information is received by the Commission.

[8] The MSRB has specified terms and conditions which it is prepared to meet because of the confidential nature of the information which would be furnished to it under the proposed rule. These terms include presenting information to members of the MSRB only in summarized form which would not permit identification of the subjects of examinations, maintaining copies of examination

Footnotes continued on next page

In addition, the proposed rule would provide that any information made available to the MSRB must not identify a municipal securities broker or dealer, or associated person which is the subject of an examination report.[9] Any information identifying the subject of the examination, which would be required by the proposed rule to be furnished to the Commission as a basis for its recordkeeping system, would be deleted by the Commission prior to making copies of reports available to the MSRB.

As an alternative to furnishing the entire examination report, the proposed rule would allow for relevant information to be extracted from examination reports and provided to the MSRB on a separate reporting form. This alternative would provide the MSRB with access to the types of current information on the activities of municipal securities brokers and dealers which the MSRB has indicated are important to its effectiveness as a rulemaking body without disclosing the identity of the subject of the examination.

The schedule of information to be followed by those examining entities that choose to use a separate reporting form is general in nature. The MSRB staff has indicated to the Commission that, while the MSRB is interested in obtaining particular items of information from examination reports, it does not require information specifically identifying any municipal securities broker, municipal securities dealer, or associated person. Accordingly, the schedule of information to be contained in a separate form, while responsive to the legislative intent of providing the MSRB with important and useful information contained in reports of examinations of municipal securities brokers and dealers, would take account of legitimate concerns that even apparently general information could be used, in some instances, to identify certain municipal securities brokers and dealers which are the subjects of examination reports.[10]

Under the proposed rule, the Commission itself could furnish the MSRB with information from any examination report in whatever format it deems appropriate. That provision would allow the Commission the choice of furnishing the MSRB with a separate form, rather than a copy of the full examination report, provided that the separate form contains as much of the information specified in the proposed rule as is available from the actual examination report.

The NASD and the three federal bank regulatory agencies would also be able to make use of a simplified separate reporting form under the proposed rule. The appropriate examining entity could have a separate form completed by the examiner at the time of the examination, or have the form filled out subsequent to the examination by personnel experienced in reviewing reports of examinations of municipal securities brokers and dealers. In the alternative, of course, the examining entity may supply the Commission with a copy of the full examination report.

The proposed rule would require that, should the NASD or the bank regulatory agencies choose to make use of a separate form, the form must contain all of the information specified in the rule.[11] The Commission believes that this limitation on the use of separate forms would result in a supply of information from examination reports to the MSRB which is complete and uniform, regradless of the examining entity or the municipal securities broker or dealer examined. The Commission and the MSRB believe that use by all reporting agencies of the separate form would be particularly helpful to the MSRB, which intends to compile aggregate information on transactions in municipal securities and on the activities of municipal securities brokers and municipal securities dealers in order to aid it in carrying out its rulemaking functions.

The information which the proposed rule would require separate reporting forms to contain falls into three general categories.

First, the MSRB would be provided with sufficient information to categorize the report by appropriate regulatory agency conducting the examination and by the type or scope of the examination.

Second, the MSRB would be provided with appropriate information indicating the size of the municipal securities broker or dealer. For bank municipal securities dealers and bank dealers registered as separately identifiable departments or divisions, the information required would be the appropriate total asset range of the bank itself. The proposed rule would designate six asset categories within which a bank might fall. For SECO[12] municipal securities brokers or dealers and broker-dealers regulated by the NASD, the proposed rule would require designation of whether the broker or dealer examined is a main office or branch office, and for main office examinations, the appropriate tentative net capital of the broker-dealer.[13] If the subject of an examination is a dealer, designation of whether or not the dealer engages solely in transactions in municipal and other exempted securities would be required. In addition, since this second category of information focuses on the size of the municipal securities broker or municipal securities dealer or of the entity of which it may be a part, the number of municipal securities principals, municipal securities representatives, and, if an examination of a broker-dealer, the number of financial and operations principals associated with the broker or dealer, is required under the proposed rule.

The third category of information concerns information characterizing the trading activities of the subject of the examination report. In particular, the proposed rule would require that observations of apparent violations of any applicable provision of the Act, and rules and regulations promulgated thereunder, including MSRB rules, be furnished, along with information identifying the applicable provision or rule, as well as a description of the circumstances of the violation, and

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Footnotes continued from last page
reports in a locked file cabinet with access limited to senior MSRB staff members, and emphasizing to staff members the requirements of the MSRB code of conduct with respect to the confidentiality of information which they may obtain in their capacity as MSRB employees.

[9] Information contained in bank examination reports is exempted from the public disclosure requirements of the Administrative Procedure Act. *See* 5 U.S.C. 552(b)(8). *See also* 17 CFR 200.80(b)(8) which provides that examination reports furnished to the Commission by a regulatory entity responsible for a financial institution constitute nonpublic matter. In addition, there is a statutory prohibition, applicable to each federal bank regulatory agency, against disclosure of the contents of confidential bank examiantion reports unless expressly permitted by law. *See, e.g.* 12 CFR 4.18, which prohibits disclosure of material in confidential examination reports prepared by the Office of the Comptroller of the Currency under penalty of law.

[10] For example, the separate form does not require an indication of the geographic region where the subject of the examination is located, since the number of bank municipal securities dealers in some areas of the country is so small that it might be possible to identify a particular bank dealer simply by knowing what part of the country it is in, and which bank regulator conducted the examination.

[11] Most of the information specified is already contained in full examination reports. The NASD and the bank regulatory agencies have indicated that any other information required is readily available to examiners. We understand that the regulatory entities intend to redesign their examination reports in order to meet the requirements for using the separate form options.

[12] The SECO (Securities and Exchange Commission Only) program is an option provided to brokers and dealers who do not wish to join the NASD and are not, therefore, members of a national securities association.

[13] *See* 17 CFR 240.15c3-1, which sets forth the net capital requirements for brokers or dealers.

whether or not the violation is of a continuing nature.

The proposed rule would require that information on any corrective action taken or recommended be provided to the MSRB. The Commission intends that this information reflect the recommendations of the examiner, rather than the final determination of a district business conduct committee or any other reviewing entity. The examiner's findings are particularly important in this area, since disciplinary action taken or recommendations made pursuant to the examiner's report often may be completed months after the actual examination date. Since effective analysis of trading activity in the municipal securities market is dependent upon a supply of current information to the MSRB, the proposed rule would cover only those actions taken or recommended by the examiner in connection with the examination itself.

Finally, comments in the examination report made by the examiner concerning any questionable practices relating to the municipal securities broker or dealer activities of the subject of the examination must also be included in any separate form provided to the MSRB. This information is intended to go beyond observations concerning municipal securities activities which may already be covered by provisions of the Act or the rules of the MSRB. General observations on municipal securities trading practices which seem unusual or inappropriate could be particularly useful to the MSRB in identifying areas of potential concern. This type of information may, for example, reveal loopholes in the existing regulatory structure or unorthodox trading practices.

In addition, the proposed rule requires that any separate form furnished to the Commission contain the name and SEC registration number of the municipal securities broker or municipal securities dealer examined. This information would be deleted by the Commission prior to making available the separate form to the MSRB, but would serve as the basis for the Commission's recordkeeping system for separate forms supplied to it under the proposed rule.

The proposed rule provides that all copies of reports of examinations made by or furnished to the Commission and any separate forms furnished to the Commission pursuant to the rule will be kept in nonpublic files, since the information contained in examination reports is strictly confidential unless access is authorized by statute.

Request for Public Comment

All interested persons are invited in submit comments on proposed Rule 15Bc7–1. Commenters should particularly consider whether the conditions of the proposed rule designed to protect the identity of the examinees are sufficient. Commenters should submit three copies of their views on proposed rule 15Bc7–1 in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, not later than June 27, 1979. All communications should refer to File No. S7–784 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

Rule 15Bc7–1 [17 CFR 240.15Bc7–1] is proposed to be adopted by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended [15 U.S.C. 78a *et seq.*), and particularly Sections 15B, 17, and 23 (15 U.S.C. 78*o*–4, 78q, and 78w). The text of the proposed rule is as follows:

§ 240.15Bc7–1 Availability of examination reports.

(a) Upon written request, copies of any report of an examination of a municipal securities broker or municipal securities dealer made by the Commission or furnished to it by a national securities association pursuant to Section 15B(c)(7)(B) of the Act or by the appropriate regulatory agency pursuant to Section 17(c)(3) of the Act shall be made available to the Municipal Securities Rulemaking Board [the "Board"] by the Commission within thirty days after receiving such report, subject to the following limitations:

(1) The Board shall establish by rule and shall maintain adequate procedures for ensuring the confidentiality of any information made available to it by the Commission pursuant to Section 15B(c)(7)(B) of the Act;

(2) Information made available to the Board shall not identify any municipal securities broker, municipal securities dealer, or associated person which is the subject of an examination report;

(3) If information is made available to the Board by the Commission, the Commission may furnish the Board with such information in any manner it deems appropriate, provided that, if the Commission furnishes to the Board a separate form, rather than a copy of any report of an examination, that form shall contain such of the information set forth in paragraph (b) of this section as is available from the examination report;

(4) If information to be made available to the Board is furnished to the Commission on a separate form prepared by a national securities association or by another appropriate regulatory agency, that form, rather than a copy of any report of an examination, will be made available to the Board, provided that such form contains the information set forth in paragraph (b) of this section and is furnished to the Commission in duplicate.

(b) Separate forms made available to the Board by the Commission pursuant to paragraph (a)(3) of this section, or furnished to the Commission by a national securities association or another appropriate regulatory agency pursuant to paragraph (a)(4) of this section, shall contain the following information:

(1) The name of the appropriate regulatory agency conducting the examination;

(2) The type or scope of the examination;

(3)(i) Appropriate financial data which indicates the size of the municipal securities broker or municipal securities dealer, such as dollar volume, trading volume, or other revenue data;

(ii) If an examination of a municipal securities dealer which is a bank or a separately identifiable department or division of a bank, designation of the appropriate total asset category (under $100,000,000, between $100,000,000 and $300,000,000, between $300,000,000 and $500,000,000, between $500,000,000 and $1,000,000,000, between $1,000,000,000 and $5,000,000,000, in excess of $5,000,000,000) of the bank; and

(iii) If an examination of a broker or dealer, whether the examination is of a main office or a branch office; if an examination of a main office of a broker or dealer, the tentative net capital of the broker or dealer;

(4) If an examination of a dealer, whether or not the dealer engages solely in transactions in municipal securities and other exempted securities;

(5) The number of municipal securities principals, municipal securities representatives, and, if an examination of a broker or dealer, the number of financial and operations principals associated with the broker or dealer;

(6) Observations concerning apparent violations of any applicable provision of the Act and the rules and regulations thereunder, including the rules of the Board, identifying the applicable provision or rule and setting forth a description of the circumstances of the apparent violation, including whether or not the violations appear to be of a continuing nature;

(7) Corrective action taken or recommended, if any; and

(8) Comments, if any, of the examiner concerning questionable practices relating to municipal securities broker or municipal securities dealer activities, whether or not covered by provisions of the Act and the rules and regulations thereunder, including the rules of the Board.

(c) Separate forms furnished to the Commission by a national securities association or another appropriate regulatory agency pursuant to paragraph (a)(4) of this section shall contain the name and registration number of the municipal securities broker or municipal securities dealer which is the subject of the examination, which information shall be deleted by the Commission prior to making available the separate form to the Board.

(d) Copies of any report of an examination of a municipal securities broker or municipal securities dealer made by the Commission or furnished to it pursuant to Section 15B(c)(7)(B) or Section 17(c)(3) of the Act, or separate forms made available to the Commission pursuant to paragraph (a)(3) or paragraph (a)(4) of this section will be maintained in a nonpublic file.

By the Commission.

George A. Fitzsimmons,

Secretary.

May 30, 1979.

[FR Doc. 79-17500 Filed 6-5-79; 8:45 am]

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Federal Register

Wednesday
June 6, 1979

Part VIII

Department of Energy

Economic Regulatory Administration

Unleaded Gasoline Production Incentives; Proposed Rule and Public Hearing

[6450-01]

DEPARTMENT OF ENERGY
[10 CFR Part 212]
MANDATORY PETROLEUM PRICE REGULATIONS

Unleaded Gasoline Production Incentives

[Docket No ERA-R-79-30]

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Notice of Proposed Rulemaking and Public Hearing

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposed rulemaking and public hearing primarily regarding the price rules for unleaded gasoline Specifically, ERA proposes three amendments to the mandatory price regulations to encourage refiners to increase the production of unleaded gasoline First, ERA proposes to permit refiners a production incentive for increased production of unleaded gasoline Second, ERA proposes to permit refiners to recoup the total increased cost of additives including process chemicals attributable to gasoline on sales of gasoline Finally ERA proposes to delete the 'nearest octane number provision in § 212 112(b)(1) and to require May 15, 1973 selling prices for unleaded gasoline be computed using the weighted average May 15 1973 selling price for all leaded gasoline regardless of the octane number

The purpose of the proposed amendments is to increase the production of unleaded gasoline

ERA proposes that the amendments, if adopted, become effective June 1, 1979

DATES: Comments by July 6, 1979, 4:30 p m Requests to speak at Los Angeles hearing by June 18, 1979, 4:30 p m Requests to speak at Washington, D C hearing by June 18, 1979, 4:30 p m Hearing dates: Los Angeles hearing, June 28, 1979, 9:30 a m ; Washington, D C hearing, June 26, 1979, 9:30 a m

ADDRESSES: All comments to Public Hearing Management; Docket No ERA-R-79-30, Department of Energy Room 2313 2000 M Street, N W , Washington, D C 20461 Requests to speak at Los Angeles hearing to Department of Energy, Attn Robert Laffel, 111 Pine St., 3rd floor, San Francisco, CA 94111 Requests to speak at Washington, D C hearing to Office of Public Hearing Management, Room 2313, 2000 M Street, N W , Washington, D C 20461

HEARING LOCATIONS: Los Angeles Hearing: Los Angeles Convention Center, 1201 South Figueroa St , Room 214 A and B, Los Angeles, CA 90015 Washington, D C hearing: 2000 M Street, N W , Room 2105, Washington, D C 20461

FOR FURTHER INFORMATION CONTACT:

Robert Gillette (Hearing Procedures)
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Room 2214 B
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William Webb (Office of Public Information)
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Chuck Boehl or Edwin Mampe (Office of Regulations and Emergency Planning)
Economic Regulatory Administration
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Department of Energy
Room 6A-127
1000 Independence Avenue, S W
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SUPPLEMENTARY INFORMATION:

I Background

The current short supply of crude oil being experienced in the United States has resulted in lower refinery utilization and consequently lower refinery output of gasoline In addition, stocks of middle distillates are at extremely low levels and refiners have been encouraged to build up adequate stocks of heating oil for next winter Accordingly, less gasoline is currently being refined than ERA had anticipated and gasoline stocks, which are normally at their peak at this time of year to provide gasoline for the spring and summer driving months, are substantially below normal levels Furthermore, demand for gasoline has increased substantially over that of a year ago

The Environmental Protection Agency (EPA) has expressed concern that, given the projected low levels of gasoline availability during the summer driving season, refiners must be given adequate incentives to produce sufficient quantities of unleaded gasoline to meet demand, even if total gasoline production and supplies are below normal An inadequate supply of unleaded gasoline could result in motorists using leaded gasoline in automobiles designed to burn unleaded gasoline This, in turn, would destroy catalytic converters currently required in recent models of automobiles and could have long term deleterious effects on the quality of the air due to increased automobile emissions

EPA estimates that the demand for unleaded gasoline is increasing at a rate of 20% per year and that the production of unleaded gasoline to total gasoline is increasing at 8% per year Currently unleaded gasoline represents about 40% of total gasoline sales and EPA anticipates this will increase to approximately 42% by the end of 1979 and to 50% by 1980

Unleaded gasoline demand is increasing Without intensified refining this increased demand cannot be satisfied from the clear gasoline pool Although the "tilt" rule provides an incentive for increased production of gasoline by permitting a disproportionate allocation of increased costs to gasoline, the current rules provide only a limited specific incentive to produce unleaded gasoline or unleaded gasoline with a higher octane level than the minimum required That incentive arises from the one-penny rule adopted in 1975 which allows a base price for unleaded gasoline one cent above the weighted average selling price of leaded gasoline of the nearest grade and octane level Because the production of the incremental gallon of unleaded gasoline is more expensive than the production of the incremental gallon of leaded gasoline, and because the extra cost of an incremental gallon rises as increasing proportions of unleaded gasoline are produced, the incentive for refiners to produce a higher proportion of unleaded gasoline may be inadequate, even in face of increasing market demand

The intensified refining needed to produce greater supplies of unleaded gasoline requires increased amounts of refinery fuel and results in less output of unleaded gasoline than of leaded gasoline than could have been produced from the same quantity of crude oil The reduced output of gasoline automatically lowers the percentage of total increased crude oil and refining nonproduct costs allocable to gasoline to be recouped on sales of gasoline

Because of increased demand for unleaded gasoline, ERA is proposing an additional incentive of two cents per incremental gallon of unleaded gasoline to encourage the refining of increased amounts of unleaded gasoline These incentives are expected to encourage production of unleaded gasoline by permitting refiners to more accurately reflect the cost of refining unleaded gasoline in prices charged for unleaded gasoline and increase stocks of unleaded gasoline If unleaded gasoline production is increased the supply could possibly exceed demand and therefore market conditions would tend to lower the price of unleaded gasoline relative to the corresponding leaded grade

II Proposed Amendments

A Production Incentive for Unleaded Gasoline

ERA proposes to amend 10 CFR 212 112 to add a new provision to permit refiners to increase the maximum allowable price for unleaded gasoline to reflect increased production of unleaded gasoline Under the current rules the maximum allowable price a refiner may charge for unleaded gasoline

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is equal to the May 15, 1973 selling price plus increased costs Because most refiners did not sell unleaded gasoline on May 15, 1973, under Section 212 112(b)(1) refiners are permitted to impute a May 15, 1973 base price for unleaded gasoline Generally the rule states that the imputed May 15, 1973 base selling price for unleaded gasoline shall be the weighted average price at which leaded gasoline of the same or nearest octane number was lawfully priced in transactions with the class of purchaser concerned, plus one cent per gallon The one cent per gallon was intended to compensate refiners for a portion of the additional cost associated with refining unleaded gasoline Generally, refiners which sold unleaded gasoline on May 15, 1973 use the weighted average price at which the unleaded gasoline was priced on that day to compute the maximum allowable selling price for unleaded gasoline

Since refiners have complete flexibility in adding increased costs (currently about 35¢ per gallon) to 1973 base prices of all grades and types of gasoline, increasing the base price of unleaded gasoline should not result in any increase in the current price differential between leaded and unleaded gasoline In fact, increased production of unleaded gasoline as a result of these proposals should have the effect of reducing the differential as supply and demand of unleaded gasoline would be more balanced

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The proposed amendment would permit refiners to compute a higher May 15, 1973 base selling price for unleaded gasoline to reflect increased production of unleaded gasoline over either 1978 levels or the 1978 national average production ratio of unleaded gasoline to total gasoline Under the proposed rule the weighted average price of unleaded gasoline would equal the weighted average price on May 15, 1973 plus one cent per gallon plus a production incentive or the actual weighted average selling price of unleaded gasoline on May 15, 1973

The proposed production incentive would be an additional factor in the computation of the imputed base selling price for unleaded gasoline on May 15, 1973 Refiners would calculate the production incentive as follows:

Option 1: Number of gallons of unleaded gasoline refined and sold in the month of measurement, less the number of gallons of unleaded gasoline refined and sold in the corresponding month in 1978, and multiplied by 2 cents per gallon, or

Option 2: Number of gallons of unleaded gasoline refined and sold in the month of measurement less the product of the total amount of gasoline refined and sold in the month of measurement multiplied by 33% (EPA's estimate of the national monthly average production ratio of unleaded gasoline to total gasoline refined in 1978), and multiplied by 2 cents per gallon

For purposes of this proposed rule refined and sold includes exchanges and transfers of unleaded gasoline in arms length transactions

To illustrate the proposed rule, assume Refiner X refined and sold the following amounts of gasoline in the month of measurement and in the corresponding month in 1978

	Total	Unleaded	Leaded
1978	1,000,000	250,000	750,000
1979	1,000,000	400,000	600,000

Under Option 1 Refiner X would compute the production incentive as follows:

400,000 gals - 250,000 gals = 150,000 gals

150,000 gals x 02¢ per gal = $3,000

Under Option 2 Refiner X's production incentive would equal:

400,000 gals - (33% x 1,000,000 gals) = 70,000 gals

70,000 gals x 02¢ per gal = $1,400

Accordingly, Refiner X would elect to calculate the production incentive using Option 1

Refiner Y, however, which refined and sold a higher percentage of unleaded gasoline than the 1978 national average monthly production ratio, would elect to use Option 2 Assume Refiner Y refined and sold the following amounts of gasoline in the month of measurement and in the corresponding month in 1978

	Total	Unleaded	Leaded
1978	1,000,000	800,000	200,000
1979	1,000,000	850,000	150,000

Under Option 1, Refiner Y's production incentive would be $1,000 (850,000 gals - 800,000 gals x 02¢) However, under Option 2, Refiner Y's production incentive would equal $10,400

850,000 - (33% x 1,000,000) = 520,000

520,000 x .02¢ = $10,400 00

In calculating the weighted average price of unleaded gasoline, Refiners X and Y would distribute the total dollar amount attributable to the production incentive over the amount of unleaded gasoline refined and sold in the month of measurement Accordingly, Refiner X could add 0075 cent per gallon ($3,000 divided by 400,000 gals) and Refiner Y 012 cents per gallon ($10,400 divided by 850,000 gals), to the amounts currently permitted under the regulations to compute the May 15, 1973 weighted average selling price for unleaded gasoline for the current month

ERA will review and evaluate on a periodic basis the need to increase or decrease the production incentive

ERA invites comments on whether the dollar amount of the production incentive should be included in increased cost passthroughs to all gasoline or only to the base selling price computation for unleaded gasoline

ERA invites comments on whether the "production incentive" will provide sufficient economic incentives to increase the production of unleaded gasoline especially in light of the recently adopted "tilt" rule and the need for increased production of unleaded gasoline during the summer months In particular, ERA requests financial information from refiners regarding the additional costs incurred in producing unleaded gasoline and the actual cents per gallon price increase which would result from each of the options in the proposed amendment

ERA invites comments on whether refiners which opt to calculate maximum lawful selling prices using the actual prices charged for unleaded gasoline on May 15, 1973, should be permitted to increase these prices to reflect the production incentive

ERA invites comments from environmental and consumer groups regarding the economic and environmental effects of the proposed amendments In particular, ERA solicits comments on the effect increased availability of unleaded gasoline will have on retail prices of unleaded gasoline and its subsequent effect on reducing misfueling (i.e , use of leaded gasoline in automobiles having catalytic converters)

ERA invites comments on its proposal to make the following amendments effective June 1, 1979 Such comments should address the need to increase the production of unleaded gasoline at the earliest possible date

B Additive Cost Increases

ERA proposes to amend its refiner price rules to permit refiners to allocate the total cost increases attributable to additives including process chemicals used in the production of gasoline to prices charged for gasoline Allowing additive cost increases to be allocated to gasoline, in conjuction with the production incentive proposal would provide economic incentives for refiners to "stretch" the available supply of crude oil attributable to the production of leaded gasoline (by not requiring as high a clear octane rating), thereby increasing the supply of crude oil available for the production of unleaded gasoline

ERA invites comments regarding the accounting and auditing problems that could possibly result from this proposed change in the current refiner price formula and the dollar impact, particularly at the retail level, this proposed amendment could have

ERA invites comments regarding alternative methods of allocating additive cost increases For example, should all additive or processing cost increases be allocated to unleaded or leaded gasoline?

ERA invites comments on whether the current regulations regarding passthrough of increased costs of natural gas liquids ultimately used for gasoline manufacture provide adequate incentives for the continued use of these liquids

for this purpose Specifically, should the rules be clarified to require uniform treatment of these increased costs through either the cost of refinery inputs factor (A factor) or the purchased product cost factor (B factor)?

ERA invites comments on whether the increased cost of blend stocks used in the production of gasohol be recouped on sales of gasohol or on sales of gasoline in a manner similiar to the proposed amendment for allocating additive cost increases ERA believes that the cost of alcohol blended to produce gasohol should be recouped on sales of all gasoline at the refiner level

C Octane Number

Pursuant to § 212 112(b)(1) refiners which impute a May 15, 1973 base price for unleaded gasoline use the weighted average selling price charged for the same or nearest octane number leaded gasoline ERA believes this rule may be encouraging the production of unleaded premium gasoline with unduly high octane ratings in order to use leaded premium prices charged on May 15, 1973 to impute the May 15, 1973 selling price Conversely, the production of unleaded gasoline with higher octane ratings than regular leaded gasoline is discouraged because the current rules require that the imputed price be calculated using the nearest octane number leaded gasoline

ERA proposes to amend § 212 112(b)(1) to delete the 'nearest octane number" provision and require that the imputed May 15, 1973 base price for unleaded gasoline be computed using the weighted average prices charged for all types and grades of leaded gasoline ERA believes this amendment will encouarge the production of regular unleaded gasoline because refiners will impute the May 15, 1973 base price of unleaded regular gasoline using a weighted average price for all leaded gasoline sales which will be higher than the price charged for sales of leaded regular gasoline

ERA invites comments on whether the 'nearest octane number" provision in § 212 112 is having adverse effects on increasing the production of unleaded regular gasoline In addition, ERA invites comments on whether the proposed changes to its rules would encourage the production of unleaded regular gasoline with a mid-level octane rating

ERA invites comments regarding alternative methods of imputing the May 15, 1973 selling price for unleaded gasoline For example, ERA invites comments regarding the use of a fixed graduated octane rating price scale to impute May 15, 1973 selling prices The scale could permit refiners to impute the price of unleaded gasoline by reference to the price of regular gasoline sold on May 15, 1973 plus one cent

for each octane number the unleaded gasoline is above the regular gasoline sold on May 15, 1973

ERA requests financial information regarding the effects of this proposal, particularly with respect to its relation to the production inventive proposal discussed above and on prices at the retail level

III Written Comment and Public Hearing Procedures

A. Written Comments.

You are invited to participate in this rulemaking by submitting data, views or arguments with respect to the issues set forth in this Notice Comments should be identified on the outside envelope and on documents submitted with the designation "Unleaded Gasoline Production Incentives," Docket No ERA-R-79-30. Ten copies should be submitted. All comments received will be available for public inspection in the DOE Freedom of Information Office, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W , Washington, D.C., between the hours of 8:00 a.m. and 4:30 p m , Monday through Friday Comments should be received by July 6, 1979, 4:30 p.m in order to be considered

B. Public Hearings.

1. Procedure for Requesting Participation The times and places for the hearings are indicated in the "DATES" and "ADDRESSES" section of this Notice. If necessary to present

all testimony, hearings will be continued at 9:30 a m on the next business day following the first day of the hearing

You may make a written request for an opportunity to make an oral presentation at the hearings The requests should contain a phone number where you may be contacted through the day before the hearing

We will notify each person selected to be heard before 4:30 p m , June 21, 1979 Persons scheduled to speak at the hearings must bring 100 copies of their statement to the Los Angeles hearing on the date of the hearing and to the Office of Public Hearings Management, Room 2313, 2000 M Street N W Washington, D C by 4:30 p.m., June 25, 1979, for the Washington hearing

2 Conduct of the Hearing. We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearings, which will not be judicial in nature. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who

has made an oral statement will be given the opportunity to make a rebuttal statement The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations

You may submit questions to be asked by the presiding officer of any person making a statement at the hearings Such questions should be submitted to the address indicated above for requests to speak, for the location concerned, before 4:30 p m on the day prior to the hearing If at the hearing you decide that you would like to ask a question of a witness, you may submit the question, in writing, to the presiding officer In either case the presiding officer will determine whether the time limitations permit it to be presented for a response

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer

Transcripts of the hearings will be made, and the entire record of the hearings, including the transcripts, will be retained by the DOE and made available for inspection at the Freedom of Information Office, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S W , Washington, D C , between the hours of 8 a m and 4:30 p m , Monday

through Friday Any person may purchase a copy of the transcript from the reporter

In the event that it becomes necessary for us to cancel a hearing, we will make every effort to publish advance notice in the Federal Register of such cancellation Moreover, we will give actual notice to all persons scheduled to testify at the hearings However, it is not possible to give actual notice of cancellations or changes to persons not identified to us as participants Accordingly, persons desiring to attend a hearing are advised to contact DOE on the last working day preceding the date of the hearing to confirm that it will be held as scheduled

Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U S C S 787 et seq , Pub L 93-275, as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the

quality of the environment Such comments shall be published together with publication of notice of the proposed action The Administrators comments are incorporated in the preamble

A regulatory analysis as required for proposed rulemakings pursuant to Executive Order 12044, entitled "Improving Government Regulations" (43 FR 12661, March 24, 1978) and DOE's implementing procedures, is being prepared by ERA The regulatory analysis will be available at the time a final rule, if any, is issued regarding these proposed amendments The regulatory analysis will reflect comments submitted pursuant to this rulemaking proceeding

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act ("DOE Act" Pub L 95-91), this proposed rule has been referred, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination as to whether the proposed rule might significantly affect any function within the Commisssion's jurisdication under section 402(c) of the DOE Act The Commission will have until July 6, 1979, the scheduled close of the public comment period on the proposal, to make such determination

(Emergency Petroleum Allocation Act of 1973, Pub L. 93-159, as amended, Pub L. 93-511, Pub. L 94-99, Pub L 94-133, Pub L 94-163, and Pub L 94-385; Federal Energy Administration Act of 1974, Pub L 93-275, as amended, Pub. L 94-385; Energy Policy and Conservation Act, Pub. L 94-163, as amended, Pub L. 94-385, E O 11790, 39 FR 23185; Department of Energy Organization Act, Pub L 95-91; E O 12009, 42 FR 46267)

Issued in Washington, D C , June 4, 1979

David J Bardin
Administrator
Economic Regulatory Administration

1 Section 212 83(c)(2)(iii)(E)(III), Additive Cost Increase, is amended to read as follows:

§ 212 83(c)(2)(iii)(E)(III) Additive Cost Increase

Additive cost increase is computed by applying the formula for "B_n^t" above For purposes of this computation "C" refers to the total dollar amount of costs incurred for materials and compounds, including catalyst and process chemicals which were not covered products as of May 31, 1976 and which are added to or blended with crude oil or covered products during the refining process Notwithstanding the provisions of this subparagraph, additive cost increases attributable to the production of gasoline, may be allocated and recouped on sales of gasoline

2 Section 212 112(b) is amended to read as follows:

§ 212 112 Unleaded Gasoline

* * *

(b) Rule Notwithstanding the provisions of § 212 111 of this subpart, a firm offering for sale after July 9, 1974, gasoline which is unleaded gasoline as described by the Environmental Protection Agency (40 CFR, Ch I, Part 80), shall determine prices of that item in accordance with the provisions of Subpart E or Subpart F of this part, as appropriate, provided, however, that:

(1) for purposes of determining the weighted average price at which unleaded gasoline was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, in order to calculate the "maximum allowable price" as defined in § 212 82, a refiner shall use either a price not in excess of the weighted average price at which leaded gasoline was lawfully priced by it in all transactions on May 15, 1973, computed in accordance with the provisions of § 212 83(a), plus 1 cent per gallon, plus a production incentive as defined in subparagraph (c); or the weighted average price at which unleaded gasoline was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, computed in accordance with the provisions of § 212 83(a), and

* * * * *

3 Section 212 112 is amended to add a new subparagraph (c) to read as follows:

(c) Production Incentive The production incentive which may be included in the calculation of the weighted average price at which unleaded gasoline was lawfully priced with the class of purchaser concerned on May 15, 1973 in order to calculate the "maximum allowable price" as

defined in § 212 82 is equal to the total dollar amount computed pursuant to subparagraphs (1) and (2) below divided by the number of gallons of unleaded gasoline refined and sold in the month of measurement The total dollar amount of the production incentive may be either (1) the number of gallons of unleaded gasoline refined and sold in the month of measurement, minus the number of gallons of unleaded gasoline refined and sold in the corresponding month of 1978 multiplied by two (2) cents per gallon; or (2) the number of gallons of unleaded gasoline refined and sold in the month of measurement minus the product of the total number of gallons of gasoline refined and sold in the month of measurement multiplied by 33% multiplied by two (2) cents per gallon

[FR Doc. 79-17824 Filed 6-5-79; 1:30 pm]
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Reader Aids

Federal Register

Vol. 44, No. 110

Wednesday, June 6, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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FEDERAL REGISTER PAGES AND DATES, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

29904 5-23-79 / Sweet cherries grown in designated counties in Washington; grade, size and container requirements; comments by 6-13-79

Farmers Home Administration—

21801 4-12-79 / Industrial development grants; comments by 6-11-79

Office of the Secretary—

25606 5-1-79 / Policies and procedures under the National Environmental Policy Act; comments by 6-15-79

CIVIL AERONAUTICS BOARD

21816 4-12-79 / Airline Deregulation Act of 1978; discrimination, prejudice and preference in pricing; comments by 6-11-79

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

22081 4-13-79 / Flower Garden Banks Marine Sanctuary; comments by 6-12-79

COMMODITY FUTURES TRADING COMMISSION

22088 4-13-79 / Commodity option transactions; comments by 6-12-79

21295 4-10-79 / Disclosing market sensitive information; delegation of authority; comments by 6-11-79

COMMUNITY SERVICES ADMINISTRATION

21829 4-12-79 / Non-Federal share requirements; comments by 6-11-79

21829 4-12-79 / Surplus personal property; comments by 6-11-79

DEFENSE DEPARTMENT

Army Department—

28008 5-14-79 / Procedures for individual requests for access to or amendment of CID reports of investigation; comments by 6-11-79

ENERGY DEPARTMENT

28670 5-16-79 / Assistance regulations; cooperative agreements; comments period extended to 6-15-79

[Originally published at 44 FR 20594, April 5, 1979]

21810 4-12-79 / Retroactive application of rules or interpretations; comments by 6-11-79

Economic Regulatory Administration—

22022 4-12-79 / Electric utilities, assistance and intervention in State regulatory proceeding; comments by 6-11-79

28606 5-15-79 / Mandatory petroleum allocation regulations; amendment to provide middle distillates for agricultural production; comments by 6-15-79

31626 6-1-79 / Middle distillates for agricultural trucking; comments by 6-15-79

22010 4-12-79 / Production incentives for marginal properties; further comments by 6-15-79

[Corrected at 44 FR 25160, 4-27-79]

Energy Conservation and Solar Applications Office—

23468 4-19-79 / Test procedures for central air conditioners, including heat pumps; comments by 6-15-79

Federal Energy Regulatory Commission—

29915 5-23-79 / Alaska Natural Gas Transportation System; incentive rate of return, tariff, and related issues; treatment of certain production-related costs for natural gas to be sold and transported; reply comments by 6-15-79

Office of the Secretary—

27200 5-8-79 / Residential conservation service program; comments extended to 6-11-79

[Originally published at 44 FR 16543, Mar. 19, 1979]

ENVIRONMENTAL PROTECTION AGENCY

21307 4-10-79 / Air pollution; Nevada State Implementation Plan revision; Mason Valley/Fernley Area Nonattainment Area Plans; comments by 6-11-79

21313 4-10-79 / Air pollution; Nevada State Implementation Plan revision; Winnemucca Segment Nonattainment Plan; comments by 6-11-79

25886 5-3-79 / Shipment of Hazardous Materials; miscellaneous amendments; comments by 6-15-79

National Highway Traffic Safety Administration—

15748 3-15-79 / Consumer information provisions; comments by 6-10-79

25257 4-30-79 / Opportunity for comment on bumper standard test results; comments by 6-12-79

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

22473 4-16-79 / Elimination and simplification of certain public use forms prepared by the wine industry; comments by 6-15-79

Currency Comptroller—

22396 4-13-79 / Fair housing home loan data system; comments by 6-12-79

Internal Revenue Service—

21824 4-12-79 / Constructive filing of waivers of exemption by tax-exempt organizations; comments by 6-11-79

28830 5-17-79 / Investment credit; qualified progress expenditures; comments by 6-15-79

27078 5-9-79 / Investment credit employee stock ownership plans (TRASOP's); Outlines of oral comments by 6-14-79

Office of the Secretary—

21302 4-10-79 / Solicitation by practitioners before the Bureau of Alcohol, Tobacco and Firearms; revision to provisions; comments by 6-11-79

Next Week's Meetings

ACCIDENT AT THREE MILE ISLAND, PRESIDENT'S COMMISSION

28903 5-17-79 / Washington, D.C. (open), 6-13 through 6-15-79

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

23858 4-23-79 / Beef research and information order, Dallas, Tex., 6-12-79

29938 5-23-79 / Meat Pricing Task Force, Dallas, Tex. (open), 6-10 through 6-12-79

[Originally published at 44 FR 24895, 4-27-79]

Science and Education Administration—

31031 5-30-79 / National Arboretum Advisory Council, Washington, D.C. (open), 6-13 and 6-14-79

ARMS CONTROL AND DISARMAMENT AGENCY

31032 5-30-79 / General Advisory Committee, Washington, D.C. (closed), 6-14 and 6-15-79

ARTS AND HUMANITIES, NATIONAL FOUNDATION

31050 5-30-79 / Special Projects Committee, Washington, D.C. (partially open), 6-14 and 6-15-79

30783 5-29-79 / Museum Advisory Panel, Washington, D.C. (partially open), 6-11 and 6-12-79

CIVIL RIGHTS COMMISSION

30144 5-24-79 / New Jersey Advisory Committee, New Brunswick, N.J. (open), 6-13-79

COMMERCE DEPARTMENT

Industry and Trade Administration—

30401 5-25-79 / Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open), 6-12-79

30710 5-29-79 / Hardware Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 6-11-79

[Rescheduled at 44 FR 32018, 6-4-79]

30402 5-25-79 / Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open), 6-12-79

National Bureau of Standards—

28835 5-17-79 / Visting Committee, Gaithersburg, Md. (open), 6-12-79

28835 5-17-79 / Visiting Committee, Washington, D.C. (open), 6-13-79

National Oceanic and Atmospheric Administration—

26960 5-8-79 / Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 6-13 through 6-15-79

DEFENSE DEPARTMENT

Air Force Department—

28836 5-17-79 / Advisory Committee on Air Force Historical Program, Bolling AFB, D.C. (open), 6-14 and 6-15-79

Office of the Secretary—

28037 5-14-79 / Defense Science Board Task Force on ECM, Washington, D.C. (closed), 6-13-79

30149 5-24-79 / Defense Science Board Task Force on V/Stol Aircraft, Phase II, Washington, D.C. (closed), rescheduled to 6-13-79

[Originally published at 44 FR 23910, 4-23-79]

24335 4-25-79 / Department of Defense Wage Committee, Washington, D.C. (closed), 6-12-79

ENERGY DEPARTMENT

28706 5-16-79 / Committee on Materials and Manpower Requirements, Government Subcommittee, Houston, Tex. (open), 6-15-79

Economic Regulatory Administration—

29957 5-23-79 / Gasoline Marketing Advisory Committee, Washington, D.C. (open), 6-11-79

ENVIRONMENTAL PROTECTION AGENCY

30760 5-29-79 / Science Advisory Board, Clear Air Scientific Advisory Committee; Arlington, Va. (open), 6-14 through 6-16-79

30167 5-24-79 / Science Advisory Board, Environmental Health Committee, Washington, D.C. (open), 6-13-79

FEDERAL COMMUNICATIONS COMMISSION

31042 5-30-79 / Radio Technical Commission for Marine Services, Special Committee No. 73, Washington, D.C. (open), 6-13-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

28726 5-16-79 / Alcohol Biomedical Research Committee, Bethesda, Md. (partially open), 6-13 through 6-15-79

28726 5-16-79 / Alcohol Psychosocial Research Review Committee, Review Committee, Bethesda, Md. (partially open), 6-13 through 6-15-79

28727 5-16-79 / Alcohol Training Review Committee, Rockville, Md. (partially open), 6-14 and 6-15-79

[Corrected at 44 FR 31714, 6-1-79]

27746 5-11-79 / Cognition, Emotion, and Personality Research Review Committee, Washington, D.C. (partially open), 6-15 and 6-16-79

27746 5-11-79 / Community Processes and Social Policy Committee, Washington, D.C. (partially open), 6-13 through 6-15-79

28726 5-16-79 / Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Washington, D.C. (open), 6-12-79

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

30783 5-29-79 / NASA Advisory Council, Aeronautics Advisory Committee, Moffett Field, Calif. (open), 6-13 and 6-14-79

29764 5-22-79 / NASA Advisory Council (NAC), Woods Hole, Massachusetts, (open), meetings 6-11 through 6-16-79

NUCLEAR REGULATORY COMMISSION

30495 5-25-79 / Advisory Committee on Reactor Safeguards Subcommittee on Reactor Fuel, Washington, D.C. (open), 6-11 and 6-12-79

17480 3-22-79 / Protection of licensed activities in nuclear activities against industrial sabotage, Albuquerque, New Mex., 6-11 and 6-12-79

30783 5-29-79 / Subcommittee on Operating Reactors of the Advisory Committee on Reactor Safeguards, Washington, D.C. (open), 6-13-79

30786 5-29-79 / Subcommittee on Regulatory Activities of the Advisory Committee on Reactor Safeguards, Washington, D.C. (open), 6-13-79

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

31049 5-30-79 / Meeting, Washington, D.C. (open), 6-14 and 6-15-79

SMALL BUSINESS ADMINISTRATION

26990 5-8-79/Region II Advisory Council, Hato Rey, Puerto Rico, (open), 6-12-79

STATE DEPARTMENT

Agency for International Development—

29786 5-22-79 / Board for International Food and Agricultural Development; Joint Research Committee, Des Moines, Iowa (open), 6-11 through 6-13-79

Office of the Secretary—

23399 4-19-79 / Overseas Schools Advisory Councils, New York, N.Y, 6-14-79

30002 5-23-79 / Shipping Coordinating Committee, Washington, D.C. (open), 6-13-79 (2 documents)

30185 5-24-79 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Washington, D.C. (open), 6-13-79

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

28824 5-17-79 / Informal Airspace Meeting, Cleveland, Ohio, 6-12-79

31242 5-31-79 / Informal Air Space Meeting No. 56, San Mateo, Calif., 6-15-79

24675 4-26-79 / Informal Airspace Meeting, San Antonio, Tex. (open), 6-13-79

Materials Transportation Bureau

27527 5-10-79/U.N. Recommendations on Transport of Dangerous Goods, Washington, D.C. (open), 6-14-79

National Highway Safety Advisory Committee—

1813 1-18-79 / National Highway Safety Advisory Committee, Washington, D.C., 6-12 through-6-14-79

15823 3-15-79 / Regional Safety Belt Usage Workshops, Dallas-Forth Worth, Tex. (open), 6-13 and 6-15-79

TREASURY DEPARTMENT

Internal Revenue Service—

30497 5-25-79 / Commissioner's Advisory Group, Washington, D.C. (open), 6-11 and 6-12-79

VETERANS ADMINISTRATION

24982 4-27-79 / Cooperative Studies Evaluation Committee, Alexandria, Va. (partially open), 6-11 and 6-12-79

30498 5-25-79 / Health Services Research and Development Merit Review Board, Washington, D.C. (open), 6-13 through 6-15-79

17251 3-21-79 / Wage Committee, Washington, D.C., 6-14-79

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

29088 5-18-79 / Milk in the Inland Empire Marketing area, Spokane, Wash., 6-12-79

CIVIL RIGHTS COMMISSION

27705 5-11-79 / Legal developments constituting discrimination, particularly concerning police practices, Houston, Tex., 6-12-79

EMPLOYMENT POLICY, NATIONAL COMMISSION

19557 4-3-79 / Youth Employment Task Force, Los Angeles, Calif., 6-14 and 6-15-79

ENERGY DEPARTMENT

Economic Regulatory Administration—

31623 6-1-79 / Gasoline retailers; inclusion in State set-aside programs; extension of time and increase in set-aside volume, Washington, D.C. 6-14-79

Energy Conservation and Solar Applications Office—

23468 4-19-79 / Test procedures for central air conditioners, including heat pumps, Washington, D.C. 6-13-79

Federal Energy Regulatory Commission—

29090 5-18-79 / Alternative fuel cost ceiling on incremental pricing under the National Gas Policy Act of 1978, Atlanta, Ga., 6-15-79

Office of the Secretary—

31922 6-1-79 / Emergency building temperature restrictions, Chicago, Ill., and San Francisco, Calif., 6-14-79

27194 5-9-79 / Federal photovoltaic utilization program, Washington, D.C., 6-14-79

ENVIRONMENTAL PROTECTION AGENCY

28234 5-14-79 / Proposed revision of New York State Implementation Plan, Buffalo, N.Y., 6-11-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

26298 5-4-79 / Direct grant program, and State-administratered programs, Seattle, Wash., San Francisco, Calif.; Denver, Colo.; Kansas City, Mo.,, Dallas, Tex.; 6-11 through 6-15-79

INTERIOR DEPARTMENT

Geological Survey—

27448 5-10-79 / Oil, gas and sulphur operations on Outer Continental Shelf, hearing, New Orleans, La., 6-12-79

27448 5-10-79 / Oil, gas, and sulphur operations on Outer Continental Shelf, hearing, Washington, D.C. 6-14-79

PANAMA CANAL COMPANY

18994 3-30-79 / Proposed Panama Canal toll increase, New York, N.Y., 6-11-79

TRANSPORTATION DEPARTMENT

Coast Guard—

21974 4-12-79 / Tank vessel operations, Puget Sound, Port Angeles, Wash., 6-14-79 [*See also* 44 FR 32004, 6-4-79]

21974 4-12-79 / Tank vessel operations, Puget Sound, Mt. Vernon, Wash., 6-13-79 [*See also* 44 FR 32004, 6-4-79]

21974 4-12-79 / Tank vessel operations, Puget Sound Seattle, Wash., 6-11 and 6-12-79 [*See also* 44 FR 32004, 6-4-79]

Federal Highway Administration—

28946 5-17-79 / Highway beautification program reassessment hearing, Baltimore, Md., 6-12-79

28946 5-17-79 / Highway beautification program reassessment hearing, Kansas City, Mo., 6-12-79

28946 5-17-79 / Highway beautification program reassessment hearing, San Francisco, Calif., 6-12-79

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusing in today's List of Public Laws.

Last Listing May 31, 1979

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

31000 5-29-79 / CSA-Summer Youth Recreation Programs; effective 6-28-79

31442 5-31-79 / HUD—Nondiscrimination on the basis of handicap in Federally-assisted activities, programs and activities receiving or benefitting from Federal financial assistance; effective 7-2-79

31629 6-1-79 / Labor/ETA—Labor certification process fo occupation on Guam for other than agriculture and logging; effective 6-1-79

DEADLINES FOR COMMENTS ON PROPOSED RULES

30982 5-29-79 / DOE—Electric and hybrid vehicle program; small business planning grants; comments by 7-30-79

APPLICATIONS DEADLINES

31271 5-31-79 / Commerce/OMBE—Client services program; financial assistance application; apply by 6-24-79

31046 5-30-79 / HEW/OE—Emergency School Aid Act; closing date for transmittal of applications from State educational agencies, apply by 7-9-79

MEETINGS

30759 5-29-79 / EPA—Grants for construction of treatment works, innovative and alternative technology assessment manual, Washington, D.C. (open), 6-25-79

31320 5-31-79 / HEW/CDC—Safety and Occupational Health Study Section, Rockville, Md. (partially open), 6-18 through 6-19-79

4-29-79 / HEW/HRA—National Advisory Council on Nurse Training, Hyattsville, Md. (partially open), 6-26-79 through 6-28-79

31050 5-30-79 / NFAH—Special Projects Committee, Washington, D.C. (partially open), 6-15-79

OTHER ITEMS OF INTEREST

31112 5-30-79 / HEW/OE—Basic Educational Opportunity Grant Program; revision of 1979-80 family contribution schedules

31330 5-31-79 / LSC—Grants and contracts; Oklahoma; comments solicited

31022 5-30-79 / LSC—Poverty guidelines; maximum income levels; correction to regulation published on 5-15-79 (44 FR 28329)

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: June 15 and July 6 at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202-523-5235.

BOSTON, MASSACHUSETTS

WHEN: June 13 and 14, at 9:30 a.m. (identical sessions).

WHERE: John F. McCormack Federal Building, Conference Room 208, Boston.

RESERVATIONS: Call James Mullen, 617-223-2868.

LOS ANGELES, CALIFORNIA

WHEN: June 28 and 29 at 9:00 a.m. (identical sessions).

WHERE: Federal Building, Army Corps of Engineers Conference Room 7412, 300 N. Los Angeles Street

RESERVATIONS: Federal Information Center, 213-688-3800.

SAN FRANCISCO, CALIFORNIA

WHEN: June 28 and 29 at 9:00 a.m. (identical sessions).

WHERE: Federal Building, Room 2007, 450 Golden Gate Avenue

RESERVATIONS: Call Mike Modena or Judy Barbee, Federal Executive Board, 415-556-0250.